

Bill No. CS for SB 1426

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Dudley moved the following amendment to amendment (092662):

Senate Amendment (with title amendment)

On page 2, line 8, delete that line

and insert:

Section 2. (1) Effective January 1, 1999, the portion of the Mobile Home and Recreational Vehicle Protection Trust Fund created under s. 320.781, Florida Statutes, relating to mobile homes is transferred to the Operating Trust Fund of the Department of Community Affairs to be administered and managed by the Division of Factory-built Housing of the Department of Community Affairs pursuant to s. 553.433, Florida Statutes.

(2) Effective January 1, 1999, that portion of the Highway Safety Operating Trust Fund, created under s. 318.39, Florida Statutes, and into which fees and penalties relating to mobile home regulation, manufacture, licensure, and installation are deposited, is transferred to the Operating Trust Fund of the Department of Community Affairs to be administered and managed by the Division of Factory-built

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1 Housing for the purposes of part IV of chapter 553, Florida
2 Statutes.

3 Section 3. Effective January 1, 1999, section 320.781,
4 Florida Statutes, is amended to read:

5 320.781 ~~Mobile Home and~~ Recreational Vehicle
6 Protection Trust Fund.--

7 (1) There is hereby established a ~~Mobile Home and~~
8 Recreational Vehicle Protection Trust Fund. The trust fund
9 shall be administered and managed by the Department of Highway
10 Safety and Motor Vehicles. The expenses incurred by the
11 department in administering this section shall be paid only
12 from appropriations made from the trust fund.

13 (2) Beginning October 1, 1990, the department shall
14 charge and collect an additional fee of \$1 for each ~~new mobile~~
15 ~~home and~~ new recreational vehicle title transaction for which
16 it charges a fee. This additional fee shall be deposited into
17 the trust fund. The Department of Highway Safety and Motor
18 Vehicles shall charge a fee of \$40 per annual dealer and
19 manufacturer license and license renewal, which shall be
20 deposited into the trust fund. The sums deposited in the trust
21 fund shall be used exclusively for carrying out the purposes
22 of this section. These sums may be invested and reinvested by
23 the Treasurer under the same limitations as apply to
24 investment of other state funds, with all interest from these
25 investments deposited to the credit of the trust fund.

26 (3) The trust fund shall be used to satisfy any
27 judgment by any person, as provided by this section, against a
28 ~~mobile home or~~ recreational vehicle dealer or broker for
29 damages, restitution, or expenses, including reasonable
30 attorney's fees, resulting from a cause of action directly
31 related to the conditions of any written contract made by him

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1 or her in connection with the sale, exchange, or improvement
2 of any ~~mobile home or~~ recreational vehicle, or for any
3 violation of chapter 319 or this chapter.

4 (4) The trust fund shall not be liable for any
5 judgment, or part thereof, resulting from any tort claim
6 except as expressly provided in subsection (3), nor for any
7 punitive, exemplary, double, or treble damages. A person, the
8 state, or any political subdivision thereof may recover
9 against the mobile home or recreational vehicle dealer,
10 broker, or surety, jointly and severally, for such damages,
11 restitution, or expenses; provided, however, that in no event
12 shall the trust fund or the surety be liable for an amount in
13 excess of actual damages, restitution, or expenses.

14 (5) Subject to the limitations and requirements of
15 this section, the trust fund shall be used by the department
16 to compensate persons who have unsatisfied judgments, or in
17 certain limited circumstances unsatisfied claims, against a
18 ~~mobile home or~~ recreational vehicle dealer or broker in one of
19 the following situations:

20 (a) The claimant has obtained a final judgment which
21 is unsatisfied against the ~~mobile home or~~ recreational vehicle
22 dealer or broker or its surety jointly and severally, or
23 against the ~~mobile home dealer or~~ broker only, if the court
24 found that the surety was not liable due to prior payment of
25 valid claims against the bond in an amount equal to, or
26 greater than, the face amount of the applicable bond.

27 (b) The claimant has obtained a judgment against the
28 surety of the ~~mobile home or~~ recreational vehicle dealer or
29 broker that is unsatisfied.

30 (c) The claimant has alleged a claim against the
31 ~~mobile home or~~ recreational vehicle dealer or broker in a

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1 lawsuit which has been stayed or discharged as a result of the
 2 filing for reorganization or discharge in bankruptcy by the
 3 dealer or broker, and judgment against the surety is not
 4 possible because of the bankruptcy or liquidation of the
 5 surety, or because the surety has been found by a court of
 6 competent jurisdiction not to be liable due to prior payment
 7 of valid claims against the bond in an amount equal to, or
 8 greater than, the face amount of the applicable bond.

9 (6) In order to recover from the trust fund, the
 10 person must file an application and verified claim with the
 11 department.

12 (a) If the claimant has obtained a judgment which is
 13 unsatisfied against the ~~mobile home~~ or recreational vehicle
 14 dealer or broker or its surety as set forth in this section,
 15 the verified claim must specify the following:

16 1.a. That the judgment against the ~~mobile home~~ or
 17 recreational vehicle dealer or broker and its surety has been
 18 entered; or

19 b. That the judgment against the ~~mobile home~~ or
 20 recreational vehicle dealer or broker contains a specific
 21 finding that the surety has no liability, that execution has
 22 been returned unsatisfied, and that a judgment lien has been
 23 perfected;

24 2. The amount of actual damages broken down by
 25 category as awarded by the court or jury in the cause which
 26 resulted in the unsatisfied judgment, and the amount of
 27 attorney's fees set forth in the unsatisfied judgment;

28 3. The amount of payment or other consideration
 29 received, if any, from the ~~mobile home~~ or recreational vehicle
 30 dealer or broker or its surety;

31 4. The amount that may be realized, if any, from the

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1 sale of real or personal property or other assets of the
2 judgment debtor liable to be sold or applied in satisfaction
3 of the judgment and the balance remaining due on the judgment
4 after application of the amount which has been realized and a
5 certification that the claimant has made a good faith effort
6 to collect the judgment; and

7 5. Such other information as the department requires.

8 (b) If the claimant has alleged a claim as set forth
9 in paragraph (5)(c) and for the reasons set forth therein has
10 not been able to secure a judgment, the verified claim must
11 contain the following:

12 1. A true copy of the pleadings in the lawsuit which
13 was stayed or discharged by the bankruptcy court and the order
14 of the bankruptcy court staying those proceedings;

15 2. Allegations of the acts or omissions by the ~~mobile~~
16 ~~home~~ or recreational vehicle dealer or broker setting forth
17 the specific acts or omissions complained of which resulted in
18 actual damage to the person, along with the actual dollar
19 amount necessary to reimburse or compensate the person for
20 costs or expenses resulting from the acts or omissions of
21 which the person complained;

22 3. True copies of all purchase agreements, notices,
23 service or repair orders or papers or documents of any kind
24 whatsoever which the person received in connection with the
25 purchase, exchange, or lease-purchase of the ~~mobile home~~ or
26 recreational vehicle from which the person's cause of action
27 arises; and

28 4. Such other information as the department requires.

29 (c) The department may require such proof as it deems
30 necessary to document the matters set forth in the claim.

31 (7) Within 90 days after receipt of the application

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1 and verified claim, the department shall issue its
2 determination on the claim. Such determination shall not be
3 subject to the provisions of chapter 120, but shall be
4 reviewable only by writ of certiorari in the circuit court in
5 the county in which the claimant resides in the manner and
6 within the time provided by the Florida Rules of Appellate
7 Procedure. The claim must be paid within 45 days after the
8 determination, or, if judicial review is sought, within 45
9 days after the review becomes final. A person may not be paid
10 an amount from the fund in excess of \$25,000 per ~~mobile home~~
11 ~~or~~ recreational vehicle. Prior to payment, the person must
12 execute an assignment to the department of all the person's
13 rights and title to, and interest in, the unsatisfied judgment
14 and judgment lien or the claim against the dealer or broker
15 and its surety.

16 (8) The department, in its discretion and where
17 feasible, may try to recover from the ~~mobile home or~~
18 recreational vehicle dealer or broker, or the judgment debtor
19 or its surety, all sums paid to persons from the trust fund.
20 Any sums recovered shall be deposited to the credit of the
21 trust fund. The department shall be awarded a reasonable
22 attorney's fee for all actions taken to recover any sums paid
23 to persons from the trust fund pursuant to this section.

24 (9) This section does not apply to any claim, and a
25 person may not recover against the trust fund as the result of
26 any claim, against a ~~mobile home or~~ recreational vehicle
27 dealer or broker resulting from a cause of action directly
28 related to the sale, lease-purchase, exchange, brokerage, or
29 installation of a ~~mobile home or~~ recreational vehicle prior to
30 October 1, 1990.

31 (10) Neither the department, nor the trust fund shall

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1 be liable to any person for recovery if the trust fund does
2 not have the moneys necessary to pay amounts claimed. If the
3 trust fund does not have sufficient assets to pay the
4 claimant, it shall log the time and date of its determination
5 for payment to a claimant. If moneys become available, the
6 department shall pay the claimant whose unpaid claim is the
7 earliest by time and date of determination.

8 (11) It is unlawful for any person or his or her agent
9 to file any notice, statement, or other document required
10 under this section which is false or contains any material
11 misstatement of fact. Any person who violates this subsection
12 is guilty of a misdemeanor of the second degree, punishable as
13 provided in s. 775.082 or s. 775.083.

14 Section 4. Effective January 1, 1999, subsections (7),
15 (8), (9), (10), (11), (12), (13), and (14) of section 553.36,
16 Florida Statutes, are renumbered as subsections (8), (9),
17 (10), (11), (12), (13), (14), and (15), respectively, and new
18 subsection (7) is added to said section, to read:

19 (7) "Division" means the Division of Factory-built
20 Housing of the department.

21 Section 5. Effective January 1, 1999, section 553.38,
22 Florida Statutes, is amended to read:

23 553.38 Application and scope.--

24 (1) The department, through the division, shall adopt
25 ~~promulgate~~ rules which protect the health, safety, and
26 property of the people of this state by assuring that each
27 manufactured building is structurally sound and properly
28 installed on site and that plumbing, heating, electrical, and
29 other systems thereof are reasonably safe, and which interpret
30 and make specific the provisions of this part.

31 (2) The division ~~department~~ shall enforce every

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1 provision of this part and the rules adopted pursuant hereto,
2 except that local land use and zoning requirements, fire
3 zones, building setback requirements, side and rear yard
4 requirements, site development requirements, property line
5 requirements, subdivision control, and onsite installation
6 requirements, as well as the review and regulation of
7 architectural and aesthetic requirements, are specifically and
8 entirely reserved to local authorities. Such local
9 requirements and rules which may be enacted by local
10 authorities must be reasonable and uniformly applied and
11 enforced without any distinction as to whether a building is a
12 conventionally constructed or manufactured building. A local
13 government shall require permit fees only for those
14 inspections actually performed by the local government for the
15 installation of a factory-built structure. Such fees shall be
16 equal to the amount charged for similar inspections on
17 conventionally built housing.

18 (3) The division shall be responsible for
19 administering, implementing, and enforcing the provisions of
20 this part.

21 Section 6. Effective January 1, 1999, section 553.431,
22 Florida Statutes, is created to read:

23 553.431 Nonresident mobile home dealer's license.--

24 (1) Any person who is a nonresident of the state, who
25 does not have a dealer's contract from the manufacturer or
26 manufacturer's distributor of mobile homes authorizing the
27 sale thereof in definite Florida territory, and who sells or
28 engages in the business of selling said vehicles at retail
29 within the state shall register with the Department of Revenue
30 for a sales tax dealer registration number and comply with
31 chapter 212, and pay a license tax of \$2,000 per annum in each

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1 county where such sales are made; \$1,250 of said tax shall be
2 transmitted to the Department of Banking and Finance to be
3 deposited in the General Revenue Fund of the state, and \$750
4 thereof shall be returned to the county. The license tax
5 shall cover the period from January 1 to the following
6 December 31, and no such license shall be issued for any
7 fractional part of a year.

8 (2) The acceptance by any person of a license under
9 this section shall be deemed equivalent to an appointment by
10 such person of the Secretary of State as the agent of such
11 person upon whom may be served all lawful process in any
12 action, suit, or proceeding against such person arising out of
13 any transaction or operation connected with or incidental to
14 any activities of such person carried on under such license,
15 and the acceptance of such license shall be signification of
16 the agreement of such person that any process against the
17 person which is so served shall be of the same legal force and
18 validity as if served personally on him or her. Service of
19 such process shall be in accordance with and in the same
20 manner as now provided for service of process upon
21 nonresidents under the provisions of chapter 48.

22 Section 7. Effective January 1, 1999, section
23 553.4315, Florida Statutes, is created to read:

24 553.4315 Nonresident dealers in secondhand mobile
25 homes.--Every dealer in used or secondhand mobile homes who is
26 a nonresident of the state, does not have a permanent place of
27 business in this state, and has not qualified as a dealer
28 under the provisions of s. 553.432, and any person other than
29 a dealer qualified under the provisions of said s. 553.432,
30 who brings any used or secondhand mobile home into the state
31 for the purpose of sale, except to a dealer licensed under the

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1 provisions of s. 553.432, shall, at least 10 days prior to the
2 sale of said mobile home, the offering of said mobile home for
3 sale, or the advertising of said mobile home for sale, make
4 and file with the division the official application for a
5 certificate of title for said mobile home as provided by law.
6 Any person who has had one or more transactions involving the
7 sale of three or more used or secondhand mobile homes in this
8 state during any 12-month period shall be deemed to be a
9 secondhand dealer in mobile homes.

10 Section 8. Effective January 1, 1999, section 320.77,
11 Florida Statutes, is transferred and renumbered as section
12 553.432, Florida Statutes, and is amended to read:

13 553.432 ~~320.77~~ License required of mobile home
14 dealers.--

15 (1) DEFINITIONS.--As used in this section:

16 (a) "Dealer" means any person engaged in the business
17 of buying, selling, or dealing in mobile homes or offering or
18 displaying mobile homes for sale. The term "dealer" includes
19 a mobile home broker. Any person who buys, sells, deals in, or
20 offers or displays for sale, or who acts as the agent for the
21 sale of, one or more mobile homes in any 12-month period shall
22 be prima facie presumed to be a dealer. The terms "selling"
23 and "sale" include lease-purchase transactions. The term
24 "dealer" does not include banks, credit unions, and finance
25 companies that acquire mobile homes as an incident to their
26 regular business and does not include mobile home rental and
27 leasing companies that sell mobile homes to dealers licensed
28 under this section. ~~A licensed dealer may transact business in~~
29 ~~recreational vehicles with a motor vehicle auction as defined~~
30 ~~in s. 320.27(1)(c)4.~~ Any licensed dealer dealing exclusively
31 in mobile homes shall not have benefit of the privilege of

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1 using dealer license plates.

2 (b) "Mobile home broker" means any person who is
3 engaged in the business of offering to procure or procuring
4 used mobile homes for the general public; who holds himself or
5 herself out through solicitation, advertisement, or otherwise
6 as one who offers to procure or procures used mobile homes for
7 the general public; or who acts as the agent or intermediary
8 on behalf of the owner or seller of a used mobile home which
9 is for sale or who assists or represents the seller in finding
10 a buyer for the mobile home.

11 (2) LICENSE REQUIRED.--No person shall engage in
12 business as, or serve in the capacity of, a dealer in this
13 state unless such person possesses a valid, current license as
14 provided in this section.

15 (3) APPLICATION.--The application for such license
16 shall be in the form prescribed by the division ~~department~~ and
17 subject to such rules as may be prescribed by it. The
18 application shall be verified by oath or affirmation and shall
19 contain:

20 (a) A full statement of the name and the date of birth
21 of the person or persons applying therefor.

22 (b) The name of the firm or copartnership with the
23 names and places of residence of all its members, if the
24 applicant is a firm or copartnership.

25 (c) The names and places of residence of the principal
26 officers, if the applicant is a body corporate or other
27 artificial body.

28 (d) The name of the state under whose laws the
29 corporation is organized.

30 (e) The former place or places of residence of the
31 applicant.

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1 (f) The prior businesses in which the applicant has
2 been engaged, the dates during which the applicant was engaged
3 in such businesses, and the locations thereof.

4 (g) A description of the exact location of the place
5 of business, when it was acquired, and whether it is owned in
6 fee simple by the applicant. If leased, a true copy of the
7 lease shall be attached to the application.

8 (h) Certification by the applicant that the location
9 is a permanent one, not a tent or a temporary stand or other
10 temporary quarters; and, except in the case of a mobile home
11 broker, that the location affords sufficient unoccupied space
12 to store all mobile homes offered and displayed for sale; and
13 that the location is a suitable place in which the applicant
14 can in good faith carry on business and keep and maintain
15 books, records, and files necessary to conduct such business,
16 which will be available at all reasonable hours to inspection
17 by the department or any of its inspectors or other employees.
18 This subsection shall not preclude a licensed mobile home
19 dealer from displaying and offering for sale mobile homes in a
20 mobile home park.

21 (i) Certification by the applicant that the business
22 of a mobile home dealer is the principal business which shall
23 be conducted at that location; however, this provision shall
24 not apply to mobile home park operators licensed as mobile
25 home dealers.

26 (j) Such other relevant information as may be required
27 by the division ~~department~~. Each applicant, general partner in
28 the case of a partnership, or corporate officer and director
29 in the case of a corporate applicant, must file a set of
30 fingerprints with the division ~~department~~ for the purpose of
31 determining any prior criminal record or any outstanding

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1 warrants. The division ~~department~~ shall submit the
2 fingerprinting to the Department of Law Enforcement for state
3 processing and forwarding to the Federal Bureau of
4 Investigation for federal processing. The actual cost of such
5 state and federal processing shall be borne by the applicant
6 and is to be in addition to the fee for licensure. The
7 division ~~department~~ may issue a license to an applicant
8 pending the results of the fingerprint investigation, which
9 license is fully revocable if the division ~~department~~
10 subsequently determines that any facts set forth in the
11 application are not true or correctly represented.

12

13 The division ~~department~~ shall, if it deems necessary, cause an
14 investigation to be made to ascertain if the facts set forth
15 in the application are true and shall not issue a license to
16 the applicant until it is satisfied that the facts set forth
17 in the application are true.

18 (4) FEES.--Upon making initial application, the
19 applicant shall pay to the division ~~department~~ a fee of \$300
20 in addition to any other fees now required by law. The fee
21 for renewal application shall be \$100. The fee for
22 application for change of location shall be \$25. Any
23 applicant for renewal who has failed to submit his or her
24 renewal application by October 1 shall pay a renewal
25 application fee equal to the original application fee. No fee
26 is refundable. All fees shall be deposited into the General
27 Revenue Fund.

28 (5) DENIAL OF LICENSE.--The division ~~department~~ may
29 deny any applicant a license on the ground that:

30 (a) The applicant has made a material misstatement in
31 his or her application for a license.

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1 (b) The applicant has failed to comply with any
2 applicable provision of this ~~part~~ chapter.

3 (c) The applicant has failed to provide warranty
4 service.

5 (d) The applicant or one or more of his or her
6 principals or agents has violated any law, rule, or regulation
7 relating to the sale of mobile homes.

8 (e) The ~~division~~ department has proof of unfitness of
9 the applicant.

10 (f) The applicant or licensee has engaged in previous
11 conduct in any state which would have been a ground for
12 revocation or suspension of a license in this state.

13 (g) The applicant or licensee has violated any of the
14 provisions of the National Mobile Home Construction and Safety
15 Standards Act of 1974 or any rule or regulation of the
16 Department of Housing and Urban Development adopted
17 ~~promulgated~~ thereunder.

18
19 Upon denial of a license, the ~~division~~ department shall notify
20 the applicant within 10 days, stating in writing its grounds
21 for denial. The applicant is entitled to a public hearing and
22 may request that such hearing be held within 45 days of denial
23 of the license. All proceedings shall be pursuant to chapter
24 120.

25 (6) LICENSE CERTIFICATE.--A license certificate shall
26 be issued by the ~~division~~ department in accordance with the
27 application when the same is regular in form and in compliance
28 with the provisions of this section. The license certificate
29 may be in the form of a document or a computerized card as
30 determined by the ~~division~~ department. The cost of each
31 original, additional, or replacement computerized card shall

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1 be borne by the licensee and is in addition to the fee for
2 licensure. The fees charged applicants for both the required
3 background investigation and the computerized card as provided
4 in this section shall be deposited into the department's
5 ~~Highway Safety~~ Operating Trust Fund. The license, when so
6 issued, shall entitle the licensee to carry on and conduct the
7 business of a mobile home dealer at the location set forth in
8 the license for a period of 1 year from October 1 preceding
9 the date of issuance. Each initial application received by the
10 division ~~department~~ shall be accompanied by verification that,
11 within the preceding 6 months, the applicant or one or more of
12 his or her designated employees has attended a training and
13 information seminar conducted by the division ~~department~~ or by
14 a public or private provider approved by the division
15 ~~department~~. Such seminar shall include, but not be limited to,
16 statutory dealer requirements, which requirements include
17 required bookkeeping and recording procedures, requirements
18 for the collection of sales and use taxes, and such other
19 information that in the opinion of the division ~~department~~
20 will promote good business practices.

21 (7) SUPPLEMENTAL LICENSE.--Any person licensed
22 pursuant to this section shall be entitled to operate one or
23 more additional places of business under a supplemental
24 license for each such business if the ownership of each
25 business is identical to that of the principal business for
26 which the original license is issued. Each supplemental
27 license shall run concurrently with the original license and
28 shall be issued upon application by the licensee on a form to
29 be furnished by the division ~~department~~ and payment of a fee
30 of \$50 for each such license. Only one licensed dealer shall
31 operate at the same place of business. A supplemental license

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1 authorizing off-premises sales shall be issued, at no charge
2 to the dealer, for a period not to exceed 10 consecutive
3 calendar days.

4 (8) RECORDS TO BE KEPT BY LICENSEE.--Each licensee
5 shall keep records in such form as shall be prescribed by the
6 division ~~department~~. Such records shall include:

7 (a) A record of the purchase, sale, or exchange, or
8 receipt for the purpose of sale, of any mobile home;

9 (b) The description of each such mobile home,
10 including the identification or serial number and such other
11 numbers or identification marks as may be thereon, and a
12 statement that a number has been obliterated, defaced, or
13 changed, if such fact is apparent; and

14 (c) The name and address of the seller, the purchaser,
15 and the alleged owner or other person from whom the mobile
16 home was purchased or received and the person to whom it was
17 sold or delivered, as the case may be.

18 (9) EVIDENCE OF TITLE REQUIRED.--The licensee shall
19 also have in his or her possession for each new mobile home a
20 manufacturer's invoice or statement of origin, and for each
21 used mobile home a properly assigned certificate of title or
22 registration certificate if the used mobile home was
23 previously registered in a nontitle state, from the time the
24 mobile home is delivered to the licensee until it has been
25 disposed of by him or her.

26 (10) SETUP OPERATIONS.--Each licensee may perform
27 setup operations only as defined in s. 553.434 ~~320.822~~, and
28 the division ~~department~~ shall provide by rule for the uniform
29 application of all existing statutory provisions relating to
30 licensing and setup operations.

31 (11) PENALTY.--The violation of any provision of this

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1 section is a misdemeanor of the second degree, punishable as
2 provided in s. 775.082 or s. 775.083.

3 (12) INJUNCTION.--In addition to the remedies provided
4 in this chapter, and notwithstanding the existence of any
5 adequate remedy at law, the division ~~department~~ is authorized
6 to make application to any circuit court of the state, and the
7 circuit court shall have jurisdiction, upon a hearing and for
8 cause shown, to grant a temporary or permanent injunction
9 restraining any person from acting as a mobile home dealer
10 under the terms of this section who is not properly licensed
11 or who violates or fails or refuses to comply with any of the
12 provisions of ~~chapter 319~~ and this part ~~chapter~~ or any rule or
13 regulation adopted thereunder. Such injunction shall be issued
14 without bond. A single act in violation of the provisions of
15 ~~chapter 319~~ or this part ~~chapter~~ shall be sufficient to
16 authorize the issuance of an injunction.

17 (13) SUSPENSION OR REVOCATION.--The division
18 ~~department~~ shall, as it deems necessary, either suspend or
19 revoke any license issued hereunder upon a finding that the
20 licensee violated any provision of this section or of any
21 other law of this state having to do with dealing in mobile
22 homes or perpetrated a fraud upon any person as a result of
23 such dealing in mobile homes.

24 (14) ADMINISTRATIVE FINES.--In addition to the
25 exercise of other powers provided in this section, the
26 division ~~department~~ is authorized to assess, impose, levy, and
27 collect by legal process fines, in an amount not to exceed
28 \$1,000 for each violation, against any licensee if it finds
29 that a licensee has violated any provision of this section or
30 has violated any other law of this state having to do with
31 dealing in mobile homes ~~motor vehicles~~. Any licensee shall be

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1 entitled to a hearing pursuant to chapter 120 should the
2 licensee wish to contest the fine levied, or about to be
3 levied, upon him or her.

4 (15) BOND.--

5 (a) Before any license shall be issued or renewed, the
6 applicant shall deliver to the division ~~department~~ a good and
7 sufficient surety bond, executed by the applicant as principal
8 and by a surety company qualified to do business in the state
9 as surety. The bond shall be in a form to be approved by the
10 division ~~department~~ and shall be conditioned upon the dealer's
11 complying with the conditions of any written contract made by
12 the dealer in connection with the sale, exchange, or
13 improvement of any mobile home and his or her not violating
14 any of the provisions of ~~chapter 319~~ or this part ~~chapter~~ in
15 the conduct of the business for which the dealer is licensed.
16 The bond shall be to the division ~~department~~ and in favor of
17 any retail customer who shall suffer any loss as a result of
18 any violation of the conditions hereinabove contained. The
19 bond shall be for the license period, and a new bond or a
20 proper continuation certificate shall be delivered to the
21 division ~~department~~ at the beginning of each license period.
22 However, the aggregate liability of the surety in any one
23 license year shall in no event exceed the sum of such bond.
24 The amount of the bond required shall be as follows:

25 1. A single dealer who buys, sells, or deals in mobile
26 homes and who has four or fewer supplemental licenses shall
27 provide a surety bond in the amount of \$25,000.

28 2. A single dealer who buys, sells, or deals in mobile
29 homes and who has more than four supplemental licenses shall
30 provide a surety bond in the amount of \$50,000.

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1 ~~For the purposes of this paragraph, any person who buys,~~
2 ~~sells, or deals in both mobile homes and recreational vehicles~~
3 ~~shall provide the same surety bond required of dealers who~~
4 ~~buy, sell, or deal in mobile homes only.~~

5 (b) The division ~~department~~ shall, upon denial,
6 suspension, or revocation of any license, notify the surety
7 company of the licensee, in writing, that the license has been
8 denied, suspended, or revoked and shall state the reason for
9 such denial, suspension, or revocation.

10 (c) Any surety company which pays any claim against
11 the bond of any licensee shall notify the division ~~department~~,
12 in writing, that it has paid such a claim and shall state the
13 amount of the claim.

14 (d) Any surety company which cancels the bond of any
15 licensee shall notify the division ~~department~~, in writing, of
16 such cancellation, giving reason for the cancellation.

17 Section 9. Effective January 1, 1999, section 553.433,
18 Florida Statutes, is created to read:

19 553.433 Factory-built housing judgment liability.--

20 (1) The expenses incurred by the division in
21 administering this section shall be paid only from
22 appropriations made from the department's operating trust fund
23 from moneys deposited into such fund pursuant to this section.

24 (2) Beginning January 1, 1999, the division shall
25 charge and collect an additional fee of \$1 for each new mobile
26 home transaction for which it charges a fee. This additional
27 fee shall be deposited into the department's operating trust
28 fund. The division shall charge a fee of \$40 per annual
29 dealer and manufacturer license and license renewal, which
30 shall be deposited into such fund. The sums deposited into
31 such fund pursuant to this section shall be used exclusively

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1 for carrying out the purposes of this section. These sums may
2 be invested and reinvested by the Treasurer under the same
3 limitations as apply to investment of other state moneys, with
4 all interest from these investments deposited to the credit of
5 such fund.

6 (3) Moneys deposited into the department's operating
7 trust fund under this section shall be used to satisfy any
8 judgment by any person, as provided by this section, against a
9 mobile home dealer or broker for damages, restitution, or
10 expenses, including reasonable attorney's fees, resulting from
11 a cause of action directly related to the conditions of any
12 written contract made by him or her in connection with the
13 sale, exchange, or improvement of any mobile home, or for any
14 violation of this part.

15 (4) The department's operating trust fund shall not be
16 liable for any judgment, or part thereof, resulting from any
17 tort claim except as expressly provided in subsection (3), nor
18 for any punitive, exemplary, double, or treble damages. A
19 person, the state, or any political subdivision thereof may
20 recover against the mobile home dealer, broker, or surety,
21 jointly and severally, for such damages, restitution, or
22 expenses; provided, however, that in no event shall the such
23 fund or the surety be liable for an amount in excess of actual
24 damages, restitution, or expenses.

25 (5) Subject to the limitations and requirements of
26 this section, moneys deposited into the department's operating
27 trust fund under this section shall be used by the division to
28 compensate persons who have unsatisfied judgments, or in
29 certain limited circumstances unsatisfied claims, against a
30 mobile home dealer or broker in one of the following
31 situations:

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1 (a) The claimant has obtained a final judgment which
2 is unsatisfied against the mobile home dealer or broker or its
3 surety jointly and severally, or against the mobile home
4 dealer or broker only, if the court found that the surety was
5 not liable due to prior payment of valid claims against the
6 bond in an amount equal to, or greater than, the face amount
7 of the applicable bond.

8 (b) The claimant has obtained a judgment against the
9 surety of the mobile home dealer or broker that is
10 unsatisfied.

11 (c) The claimant has alleged a claim against the
12 mobile home dealer or broker in a lawsuit which has been
13 stayed or discharged as a result of the filing for
14 reorganization or discharge in bankruptcy by the dealer or
15 broker, and judgment against the surety is not possible
16 because of the bankruptcy or liquidation of the surety, or
17 because the surety has been found by a court of competent
18 jurisdiction not to be liable due to prior payment of valid
19 claims against the bond in an amount equal to, or greater
20 than, the face amount of the applicable bond.

21 (6) In order to recover from the department's
22 operating trust fund, the person must file an application and
23 verified claim with the division.

24 (a) If the claimant has obtained a judgment which is
25 unsatisfied against the mobile home dealer or broker or its
26 surety as set forth in this section, the verified claim must
27 specify the following:

28 1.a. That the judgment against the mobile home dealer
29 or broker and its surety has been entered; or

30 b. That the judgment against the mobile home dealer or
31 broker contains a specific finding that the surety has no

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1 liability, that execution has been returned unsatisfied, and
2 that a judgment lien has been perfected;

3 2. The amount of actual damages broken down by
4 category as awarded by the court or jury in the cause which
5 resulted in the unsatisfied judgment, and the amount of
6 attorney's fees set forth in the unsatisfied judgment;

7 3. The amount of payment or other consideration
8 received, if any, from the mobile home dealer or broker or its
9 surety;

10 4. The amount that may be realized, if any, from the
11 sale of real or personal property or other assets of the
12 judgment debtor liable to be sold or applied in satisfaction
13 of the judgment and the balance remaining due on the judgment
14 after application of the amount which has been realized and a
15 certification that the claimant has made a good faith effort
16 to collect the judgment; and

17 5. Such other information as the division requires.

18 (b) If the claimant has alleged a claim as set forth
19 in paragraph (5)(c) and for the reasons set forth therein has
20 not been able to secure a judgment, the verified claim must
21 contain the following:

22 1. A true copy of the pleadings in the lawsuit which
23 was stayed or discharged by the bankruptcy court and the order
24 of the bankruptcy court staying those proceedings;

25 2. Allegations of the acts or omissions by the mobile
26 home dealer or broker setting forth the specific acts or
27 omissions complained of which resulted in actual damage to the
28 person, along with the actual dollar amount necessary to
29 reimburse or compensate the person for costs or expenses
30 resulting from the acts or omissions of which the person
31 complained;

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1 3. True copies of all purchase agreements, notices,
2 service or repair orders or papers or documents of any kind
3 whatsoever which the person received in connection with the
4 purchase, exchange, or lease-purchase of the mobile home from
5 which the person's cause of action arises; and

6 4. Such other information as the division requires.

7 (c) The division may require such proof as it deems
8 necessary to document the matters set forth in the claim.

9 (7) Within 90 days after receipt of the application
10 and verified claim, the division shall issue its determination
11 on the claim. Such determination shall not be subject to the
12 provisions of chapter 120, but shall be reviewable only by
13 writ of certiorari in the circuit court in the county in which
14 the claimant resides in the manner and within the time
15 provided by the Florida Rules of Appellate Procedure. The
16 claim must be paid within 45 days after the determination, or,
17 if judicial review is sought, within 45 days after the review
18 becomes final. A person may not be paid an amount from the
19 department's operating trust fund in excess of \$25,000 per
20 mobile home. Prior to payment, the person must execute an
21 assignment to the division of all the person's rights and
22 title to, and interest in, the unsatisfied judgment and
23 judgment lien or the claim against the dealer or broker and
24 its surety.

25 (8) The division, in its discretion and where
26 feasible, may try to recover from the mobile home dealer or
27 broker, or the judgment debtor or its surety, all sums paid to
28 persons from the department's operating trust fund under this
29 section. Any sums recovered shall be deposited to the credit
30 of such fund. The division shall be awarded a reasonable
31 attorney's fee for all actions taken to recover any sums paid

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1 to persons from such fund pursuant to this section.

2 (9) This section does not apply to any claim, and a
3 person may not recover against the department's operating
4 trust fund as the result of any claim, against a mobile home
5 dealer or broker resulting from a cause of action directly
6 related to the sale, lease-purchase, exchange, brokerage, or
7 installation of a mobile home prior to January 1, 1999.

8 (10) Neither the division, nor the department's
9 operating trust fund shall be liable to any person for
10 recovery if such fund, from moneys deposited into the fund
11 under this section, does not have the moneys necessary to pay
12 amounts claimed. If the fund does not have sufficient assets
13 to pay the claimant, it shall log the time and date of its
14 determination for payment to a claimant. If moneys become
15 available pursuant this section, the division shall pay the
16 claimant whose unpaid claim is the earliest by time and date
17 of determination.

18 (11) It is unlawful for any person or his or her agent
19 to file any notice, statement, or other document required
20 under this section which is false or contains any material
21 misstatement of fact. Any person who violates this subsection
22 is guilty of a misdemeanor of the second degree, punishable as
23 provided in s. 775.082 or s. 775.083.

24 Section 10. Effective January 1, 1999, section
25 553.434, Florida Statutes, is created to read:

26 553.434 Definitions.--In construing ss.
27 553.434-553.458, unless the context otherwise requires, the
28 following words or phrases have the following meanings:

29 (1) "Buyer" means a person who purchases at retail
30 from a dealer or manufacturer a mobile home for his or her own
31 use as a residence, or other related use.

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1 (2) "Code" means the appropriate standards found in:

2 (a) The Federal Manufactured Housing Construction and
3 Safety Standards for single-family mobile homes, adopted by
4 the Department of Housing and Urban Development;

5 (b) The Uniform Standards Code approved by the
6 American National Standards Institute, ANSI A-119.2 for
7 recreational vehicles and ANSI A-119.5 for park trailers or
8 the United States Department of Housing and Urban Development
9 standard for park trailers certified as meeting that standard;
10 or

11 (c) The Mobile Home Repair and Remodeling Code and
12 Used Recreational Vehicle Code.

13 (3) "Construction" means the minimum requirements for
14 materials, products, equipment, and workmanship needed to
15 assure that the mobile home will provide structural strength
16 and rigidity; protection against corrosion, decay, and other
17 similar destructive forces; resistance to the elements; and
18 durability and economy of maintenance.

19 (4) "Institute" means the American National Standards
20 Institute.

21 (5) "Length," for purposes of transportation only,
22 means the distance from the extreme front of the mobile home,
23 to the extreme rear, including the drawbar and coupling
24 mechanism, but not including expandable features that do not
25 project from the body during transportation.

26 (6) "Length of a mobile home" means the distance from
27 the exterior of the front wall (nearest to the drawbar and
28 coupling mechanism) to the exterior of the rear wall (at the
29 opposite end of the home) where such walls enclose living or
30 other interior space and such distance includes expandable
31 rooms but not bay windows, porches, drawbars, couplings,

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1 hitches, wall and roof extensions, or other attachments.

2 (7) "Licensee" means any person licensed or required
3 to be licensed under s. 553.435.

4 (8) "Mobile home dealer" means any person engaged in
5 the business of buying, selling, or dealing in mobile homes or
6 offering or displaying mobile homes for sale. Any person who
7 buys, sells, or deals in one or more mobile homes in any
8 12-month period or who offers or displays for sale one or more
9 mobile homes in any 12-month period shall be prima facie
10 presumed to be engaged in the business of a mobile home
11 dealer. The terms "selling" and "sale" include lease-purchase
12 transactions. The term "mobile home dealer" does not include
13 a bank, credit union, or finance company that acquires mobile
14 homes as an incident to its regular business, does not include
15 a mobile home rental or leasing company that sells mobile
16 homes to mobile home dealers licensed under s. 553.432, and
17 does not include persons who are selling their own mobile
18 homes.

19 (9) "Mobile home manufacturer" means any person,
20 resident or nonresident, who, as a trade or commerce,
21 manufactures or assembles mobile homes.

22 (10) "Responsible party" means a manufacturer, dealer,
23 or supplier.

24 (11) "Seal" or "label" means a device issued by the
25 department certifying that a mobile home meets the appropriate
26 code, which device is to be displayed on the exterior of the
27 mobile home.

28 (12) "Setup" means the operations performed at the
29 occupancy site which render a mobile home or park trailer fit
30 for habitation. Such operations include, but are not limited
31 to, transporting, positioning, blocking, leveling, supporting,

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1 tying down, connecting utility systems, making minor
2 adjustments, or assembling multiple or expandable units.

3 (13) "Substantial defect" means:

4 (a) Any substantial deficiency or defect in materials
5 or workmanship occurring to a mobile home which has been
6 reasonably maintained and cared for in normal use.

7 (b) Any structural element, utility system, or
8 component of the mobile home, which fails to comply with the
9 code.

10 (14) "Supplier" means the original producer of
11 completed components, including refrigerators, stoves, hot
12 water heaters, dishwashers, cabinets, air conditioners,
13 heating units, and similar components, which are furnished to
14 a manufacturer or dealer for installation in the mobile home
15 prior to sale to a buyer.

16 (15) "Width of a mobile home" means the distance from
17 the exterior of one side wall to the exterior of the opposite
18 side wall where such walls enclose living or other interior
19 space and such distance includes expandable rooms but not bay
20 windows, porches, wall and roof extensions, or other
21 attachments.

22 (16) "Body size" of a park trailer means the distance
23 from the exterior side or end to the opposite exterior side or
24 end of the body. Such distance includes expandable rooms, bay
25 windows, wall and roof extensions, or other extrusions in the
26 travel mode, except park trailers constructed to ANSI A-119.5
27 shall not exceed 400 square feet. Park trailers constructed to
28 the United States Department of Housing and Urban Development
29 standard shall not exceed 500 square feet. All square footage
30 measurements are of the exterior when in setup mode and do not
31 include bay windows.

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1 Section 11. Effective January 1, 1999, section
2 553.435, Florida Statutes, is created to read:

3 553.435 Mobile home manufacturer's license.--

4 (1) LICENSE REQUIRED.--Any person who engages in the
5 business of a mobile home manufacturer in this state, or who
6 manufactures mobile homes out of state which are ultimately
7 offered for sale in this state, shall obtain annually a
8 license for each factory location in this state and for each
9 factory location out of state which manufactures mobile homes
10 for sale in this state, prior to distributing mobile homes for
11 sale in this state.

12 (2) APPLICATION.--The application for a license shall
13 be in the form prescribed by the division and shall contain
14 sufficient information to disclose the identity, location, and
15 responsibility of the applicant. The application shall also
16 include a copy of the warranty and a complete statement of any
17 service agreement or policy to be utilized by the applicant,
18 any information relating to the applicant's solvency and
19 financial standing, and any other pertinent matter
20 commensurate with safeguarding the public. The division may
21 prescribe an abbreviated application for renewal of a license
22 if the licensee had previously filed an initial application
23 pursuant to this section. The application for renewal shall
24 include any information necessary to bring current the
25 information required in the initial application.

26 (3) FEES.--Upon making initial application, the
27 applicant shall pay to the division a fee of \$300. Upon
28 making renewal application, the applicant shall pay to the
29 division a fee of \$100. Any applicant for renewal who has
30 failed to submit his or her renewal application by October 1
31 shall pay a renewal application fee equal to the original

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1 application fee. No fee is refundable. All fees shall be
2 deposited into the General Revenue Fund.

3 (4) NONRESIDENT.--Any person applying for a license
4 who is not a resident of this state shall have designated an
5 agent for service of process pursuant to s. 48.181.

6 (5) REQUIREMENT OF ASSURANCE.--

7 (a) Annually, prior to the receipt of a license to
8 manufacture mobile homes, the applicant or licensee shall
9 submit a surety bond, cash bond, or letter of credit from a
10 financial institution, or a proper continuation certificate,
11 sufficient to assure satisfaction of claims against the
12 licensee for failure to comply with appropriate code
13 standards, failure to provide warranty service, or violation
14 of any provisions of this section. The amount of the surety
15 bond, cash bond, or letter of credit shall be \$50,000. Only
16 one surety bond, cash bond, or letter of credit shall be
17 required for each manufacturer, regardless of the number of
18 factory locations. The surety bond, cash bond, or letter of
19 credit shall be to the division, in favor of any retail
20 customer who shall suffer loss arising out of noncompliance
21 with code standards or failure to honor or provide warranty
22 service. The division shall have the right to disapprove any
23 bond or letter of credit that does not provide assurance as
24 provided in this section.

25 (b) The division shall adopt rules pursuant to chapter
26 120 consistent with this section in providing assurance of
27 satisfaction of claims.

28 (c) The division shall, upon denial, suspension, or
29 revocation of any license, notify the surety company of the
30 licensee, in writing, that the license has been denied,
31 suspended, or revoked and shall state the reason for such

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1 denial, suspension, or revocation.

2 (d) Any surety company which pays any claim against
3 the bond of any licensee shall notify the division, in
4 writing, that it has paid such a claim and shall state the
5 amount of the claim.

6 (e) Any surety company which cancels the bond of any
7 licensee shall notify the division, in writing, of such
8 cancellation, giving reason for the cancellation.

9 (6) LICENSE YEAR.--A license issued to a mobile home
10 manufacturer entitles the licensee to conduct the business of
11 a mobile home manufacturer for a period of 1 year from October
12 1 preceding the date of issuance.

13 (7) DENIAL OF LICENSE.--The division may deny a mobile
14 home manufacturer's license on the ground that:

15 (a) The applicant has made a material misstatement in
16 his or her application for a license.

17 (b) The applicant has failed to comply with any
18 applicable provision of this chapter.

19 (c) The applicant has failed to provide warranty
20 service.

21 (d) The applicant or one or more of his or her
22 principals or agents has violated any law, rule, or regulation
23 relating to the manufacture or sale of mobile homes.

24 (e) The division has proof of unfitness of the
25 applicant.

26 (f) The applicant or licensee has engaged in previous
27 conduct in any state which would have been a ground for
28 revocation or suspension of a license in this state.

29 (g) The applicant or licensee has violated any of the
30 provisions of the National Mobile Home Construction and Safety
31 Standards Act of 1974 or any rule or regulation of the

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1 Department of Housing and Urban Development promulgated
2 thereunder.

3
4 Upon denial of a license, the division shall notify the
5 applicant within 10 days, stating in writing its grounds for
6 denial. The applicant is entitled to a public hearing and may
7 request that such hearing be held within 45 days of denial of
8 the license. All proceedings shall be pursuant to chapter
9 120.

10 (8) REVOCATION OR SUSPENSION OF LICENSE.--The division
11 shall suspend or, in the case of a subsequent offense, shall
12 revoke any license upon a finding that the licensee violated
13 any provision of this part or any other law of this state
14 regarding the manufacture, warranty, or sale of mobile homes.
15 When any license has been revoked or suspended by the
16 division, it may be reinstated if the division finds that the
17 former licensee has complied with all applicable requirements
18 of this part and an application for a license is refiled
19 pursuant to this section.

20 (9) CIVIL PENALTIES; PROCEDURE.--In addition to the
21 exercise of other powers provided in this section, the
22 division is authorized to assess, impose, levy, and collect by
23 legal process a civil penalty, in an amount not to exceed
24 \$1,000 for each violation, against any licensee if it finds
25 that a licensee has violated any provision of this section or
26 has violated any other law of this state having to do with
27 dealing in mobile homes. Any licensee shall be entitled to a
28 hearing pursuant to chapter 120 should the licensee wish to
29 contest the fine levied, or about to be levied, upon him or
30 her.

31 Section 12. Effective January 1, 1999, section

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1 320.823, Florida Statutes, is transferred and renumbered as
2 section 553.436, Florida Statutes.

3 Section 13. Effective January 1, 1999, section
4 553.4365, Florida Statutes, is created to read:

5 553.4365 Establishment of uniform standards for park
6 trailers.--Park trailers exceeding 400 square feet shall meet
7 the Federal Manufactured Home Construction and Safety
8 Standards and shall have a United States Department of Housing
9 and Urban Development label.

10 Section 14. Effective January 1, 1999, section
11 553.437, Florida Statutes, is created to read:

12 553.437 Rules and regulations, changes and
13 modifications of standards.--

14 (1) The division may adopt such rules as it deems
15 necessary or proper for the effective administration and
16 enforcement of ss. 553.431-553.458 and may adopt any changes
17 in, or additions to, the standards adopted in s. 553.436 or s.
18 553.4365, which are approved and officially published by the
19 institute or adopted by the Department of Housing and Urban
20 Development subsequent to the effective date of this act.

21 (2) The division or its authorized agent may enter any
22 place or establishment where mobile homes are manufactured,
23 sold, or offered for sale, for the purpose of ascertaining
24 whether the requirements of the code and the regulations
25 adopted by the department have been met.

26 Section 15. Effective January 1, 1999, section
27 553.438, Florida Statutes, is created to read:

28 553.438 Limitation of alteration or modification to
29 mobile homes.--

30 (1) LIMITATION OF ALTERATIONS OR MODIFICATIONS.--No
31 alteration or modification shall be made to a mobile home by a

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1 licensed dealer after shipment from the manufacturer's plant
2 unless such alteration or modification is authorized in this
3 section.

4 (2) EFFECT ON MOBILE HOME WARRANTY.--Unless an
5 alteration or modification is performed by a qualified person
6 as defined in subsection (4), the warranty responsibility of
7 the manufacturer as to the altered or modified item shall be
8 void.

9 (a) An alteration or modification performed by a
10 mobile home dealer or his or her agent or employee shall place
11 warranty responsibility for the altered or modified item upon
12 the dealer. If the manufacturer fulfills, or is required to
13 fulfill, the warranty on the altered or modified item, he or
14 she shall be entitled to recover damages in the amount of his
15 or her costs and attorneys' fees from the dealer.

16 (b) An alteration or modification performed by a
17 mobile home owner or his or her agent shall render the
18 manufacturer's warranty as to that item void. A statement
19 shall be displayed clearly and conspicuously on the face of
20 the warranty that the warranty is void as to the altered or
21 modified item if the alteration or modification is performed
22 by other than a qualified person. Failure to display such
23 statement shall result in warranty responsibility on the
24 manufacturer.

25 (3) AUTHORITY OF THE DIVISION.--The division is
26 authorized to adopt rules and regulations pursuant to chapter
27 120 which define the alterations or modifications which must
28 be made by qualified personnel. The division may regulate
29 only those alterations and modifications which substantially
30 impair the structural integrity or safety of the mobile home.

31 (4) DESIGNATION AS A QUALIFIED PERSON.--

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1 (a) In order to be designated as a person qualified to
2 alter or modify a mobile home, a person must comply with local
3 or county licensing or competency requirements in skills
4 relevant to performing alterations or modifications on mobile
5 homes.

6 (b) When no local or county licensing or competency
7 requirements exist, the division may certify persons to
8 perform mobile home alterations or modifications. The
9 division shall by rule or regulation determine what skills and
10 competency requirements are requisite to the issuance of a
11 certification. A fee sufficient to cover the costs of issuing
12 certifications may be charged by the division. The
13 certification shall be valid for a period which terminates
14 when the county or other local governmental unit enacts
15 relevant competency or licensing requirements. The
16 certification shall be valid only in counties or localities
17 without licensing or competency requirements.

18 (c) The division shall determine which counties and
19 localities have licensing or competency requirements adequate
20 to eliminate the requirement of certification. This
21 determination shall be based on a review of the relevant
22 county or local standards for adequacy in regulating persons
23 who perform alterations or modifications to mobile homes. The
24 division shall find local or county standards adequate when
25 minimal licensing or competency standards are provided.

26 Section 16. Effective January 1, 1999, section
27 320.8249, Florida Statutes, is transferred and renumbered as
28 section 553.439, Florida Statutes, and is amended to read:

29 553.439 ~~320.8249~~ Mobile home installers license.--

30 (1) Any person who engages in mobile home installation
31 shall obtain a mobile home installers license from the

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1 ~~division Bureau of Mobile Home and Recreational Vehicle~~
2 ~~Construction of the Department of Highway Safety and Motor~~
3 ~~Vehicles~~ pursuant to this section. Said license shall be
4 renewed annually, and each licensee shall pay a fee of \$150.

5 (2) The ~~division Department of Highway Safety and~~
6 ~~Motor Vehicles~~ shall issue a license as a mobile home
7 installer to any person who applies to the department, pays
8 the appropriate application fee, not to exceed \$100, as set by
9 ~~division department~~ rule, and complies with subsection (3).

10 (3) In order to obtain licensure as a mobile home
11 installer, the applicant must be at least 18 years old, must
12 hold a valid performance bond in an amount set by ~~division~~
13 ~~department~~ rule, not to exceed \$5,000, conditioned upon proper
14 performance of mobile home installation and weather-sealing
15 duties for a period of 1 year, must carry liability insurance
16 in an amount determined by ~~division department~~ rule, not to
17 exceed \$100,000, must complete a minimum 8-hour training
18 course approved by the ~~division department~~, and must pass a
19 ~~division-approved department-approved~~ examination designed to
20 test the skills necessary to properly and competently perform
21 mobile home installation and to ascertain that the applicant
22 has adequate knowledge of federal, state, and local laws
23 applicable to mobilehome installation contracting. The
24 ~~division department~~ may charge an examination fee sufficient
25 to defray the costs of developing or obtaining and providing
26 the examination, not to exceed \$100. Any licensed dealer or
27 licensed manufacturer who has subcontracted with an installer
28 for installation and who remedies any faulty installation
29 performed by said installer shall have recourse against said
30 installer's performance bond.

31 ~~(4) Notwithstanding the provisions of subsection (3),~~

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1 ~~any person who can show that he or she had been engaged in the~~
2 ~~business of mobile home installation on October 1, 1996, shall~~
3 ~~be exempted until October 1, 1997, from the requirement for~~
4 ~~completing training and for passing an examination in order to~~
5 ~~be licensed by the department as a mobile home installer and~~
6 ~~shall be licensed upon application, provided he or she has~~
7 ~~complied with all requirements of subsection (3), other than~~
8 ~~the training and examination requirements. No person shall be~~
9 ~~licensed or remain licensed as a mobile home installer~~
10 ~~subsequent to October 1, 1997, who has not taken and passed~~
11 ~~the department-approved mobile home installer examination.~~

12 (4)~~(5)~~ A direct employee of a licensed mobile home
13 installer working under the supervision of the licensee and
14 within the job scope of the licensee is not required to be
15 licensed as a mobile home installer. The licensed mobile home
16 installer is responsible for supervising all such employees
17 and for the proper and competent performance of all employees
18 working under his or her supervision.

19 (5)~~(6)~~ "Installation," as used herein, is synonymous
20 with "setup" as defined in s. 553.434 ~~320.822(14)~~.

21 (6)~~(7)~~ No person shall:

22 (a) Falsely hold himself or herself or a business
23 organization out as a licensed mobile home installer;

24 (b) Falsely impersonate a licensed mobile home
25 installer;

26 (c) Present as his or her own the mobile home
27 installers license of another;

28 (d) Knowingly give false or forged evidence to the
29 division ~~department~~;

30 (e) Use or attempt to use a mobile home installers
31 license which has been suspended or revoked; or

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1 (f) Engage in the business or act in the capacity of a
2 licensed mobile home installer or advertise himself or herself
3 or a business organization as available to engage in the
4 business or act in the capacity of a mobile home installer
5 without being duly licensed.

6 ~~(7)(8)~~ Any unlicensed person who violates any of the
7 provisions of subsection ~~(6)(7)~~ is guilty of a misdemeanor of
8 the first degree, punishable as provided in s. 775.082 or s.
9 775.083.

10 ~~(8)(9)~~ No licensed person nor licensed applicant
11 shall:

12 (a) Obtain a mobile home installers license by fraud
13 or misrepresentation.

14 (b) Be convicted or found guilty of, or enter a plea
15 of nolo contendere to, regardless of adjudication, a crime in
16 any jurisdiction which directly relates to the practice of
17 mobile home installation or the ability to practice.

18 (c) Violate any lawful order of the division
19 ~~department~~.

20 (d) Commit fraud or deceit in the practice of
21 contracting.

22 (e) Commit incompetence or misconduct in the practice
23 of contracting.

24 (f) Commit gross negligence, repeated negligence, or
25 negligence resulting in a significant danger to life or
26 property.

27 (g) Commit violations of the installation standards
28 for mobile homes or manufactured homes contained in rules
29 15C-1.0102 to 15C-1.0104, Florida Administrative Code.

30 ~~(9)(10)~~ Any licensed person or license applicant who
31 violates any provision of subsection ~~(8)(9)~~ may have any of

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1 the following disciplinary penalties imposed by the division
2 ~~department~~:

- 3 (a) License revocation;
4 (b) License suspension;
5 (c) A fine not to exceed \$1,000 per violation;
6 (d) A requirement to take and pass, or retake and
7 pass, the department-approved examination;
8 (e) Probation;
9 (f) Probation subject to such restriction of practice
10 as the division ~~department~~ chooses to impose;
11 (g) A notice of noncompliance; or
12 (h) Refusal of licensure application.

13 (10)~~(11)~~ Licensed mobile home dealers and licensed
14 mobile home manufacturers are exempt from requirements to
15 obtain a license as a mobile home installer and may perform
16 mobile home installation. Any licensed dealer or licensed
17 manufacturer who does not subcontract with a licensed
18 installer and who performs his or her own installations,
19 either himself or herself or through direct employees, shall
20 have at least one employee who has completed an 8-hour
21 installation training course, as approved by the division
22 ~~department~~. Licensed mobile home dealers and mobile home
23 manufacturers are subject to discipline against their license
24 for violation of subsection (8)~~(9)~~.

25 (11)~~(12)~~ The regulation of manufactured home
26 installers or mobile home installers is preempted to the
27 state, and no person may perform mobile home installation
28 unless licensed pursuant to this section, regardless of
29 whether that person holds a local license.

30 (12)~~(13)~~ No county, municipality, or other unit of
31 local government may require additional licensing of a duly

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1 licensed installer who performs setup operations as defined in
2 s. 553.434 ~~320.822~~. However, a county, municipality, or other
3 unit of local government may require an installer to obtain a
4 local occupational license, which license shall not require
5 for its issuance any conditions other than those required by
6 this act and payment of the appropriate occupational license
7 fee.

8 ~~(13)(14)~~ All installers, dealers, and manufacturers
9 shall purchase installation decals from the division
10 ~~Department of Highway Safety and Motor Vehicles~~ for a fee not
11 to exceed \$10 per decal. An installation decal shall be
12 affixed to the manufactured home or mobile home prior to
13 installation. This decal shall denote the date of
14 installation, the name of the installer, and the number of the
15 installer's license or the dealer or manufacturer license
16 number. Such decal shall be positioned immediately next to
17 the HUD decal.

18 ~~(14)(15)~~ In performing the installation, installers
19 shall not perform plumbing or electrical activities prohibited
20 by division ~~department~~ rules related to setup operations
21 pursuant to s. 553.434 ~~320.822~~.

22 ~~(15)(16)~~ Funds received by the division ~~department~~
23 pursuant to this section shall be deposited in the
24 department's Highway Safety Operating Trust Fund.

25 ~~(16)(17)~~ When mobile homeowners in a mobile home park
26 obtain evaluations of the wind resistance of their mobile
27 homes and make improvements in accordance thereto using funds
28 from the General Appropriations Act pursuant to s. 627.0629,
29 the applicable local, county, or municipal government may
30 charge only one building permit or any other applicable fee or
31 change, not to exceed the usual permit fee or charge that

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1 would have applied to a single mobile homeowner, for the
 2 entire mobile home park in which such evaluations are being
 3 performed. ~~There are hereby appropriated five positions and~~
 4 ~~\$219,295 from the Highway Safety Operating Trust Fund in the~~
 5 ~~Department of Highway Safety and Motor Vehicles to implement~~
 6 ~~the provisions of this section.~~

7 Section 17. Effective January 1, 1999, section
 8 320.8255, Florida Statutes, is transferred and renumbered as
 9 section 553.440, Florida Statutes, and is amended to read:

10 553.440 ~~320.8255~~ Mobile home inspection.--

11 (1) In order to ensure the highest degree of quality
 12 control in the construction of new mobile homes, each new
 13 mobile home sold in the state shall be inspected by the
 14 division ~~department~~ pursuant to procedures developed by the
 15 division ~~department~~ which assure compliance with code
 16 provisions. The division ~~department~~ may adopt reasonable
 17 rules and regulations pursuant to chapter 120 for the
 18 implementation and enforcement of this inspection.

19 (2) Division ~~Department~~ inspectors shall make
 20 unannounced visits to manufacturing plants or take any other
 21 appropriate action which assures compliance with the code.

22 (3) Mobile home manufacturers and dealers shall be
 23 charged a fee for special inspections, including, but not
 24 limited to, plant approvals, 100 percent plant inspections,
 25 increased frequency inspections, reinspections, and special
 26 consumer complaint investigations as requested by a
 27 manufacturer or dealer or as may be deemed necessary by the
 28 division ~~department~~.

29 (4) The division ~~department~~ shall determine fees for
 30 special inspections and for the seal authorized under s.
 31 553.441 ~~320.827~~ which are sufficient to cover the cost of

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1 inspection and administration under this section. Fees
2 collected shall be deposited into the General Revenue Fund.

3 Section 18. Effective January 1, 1999, section
4 320.827, Florida Statutes, is transferred and renumbered as
5 section 553.441, Florida Statutes, and is amended to read:
6 553.441 ~~320.827~~ Label; procedures for issuance;
7 certification; requirements.--No dealer shall sell or offer
8 for sale in this state any new mobile home ~~manufactured after~~
9 ~~January 1, 1968~~, unless the mobile home bears a label and the
10 certification by the manufacturer that the mobile home to
11 which the label is attached meets or exceeds the appropriate
12 code. Any mobile home bearing the insignia of approval
13 pursuant to this section shall be deemed to comply with the
14 requirements of all local government ordinances or rules which
15 govern construction, and no mobile home bearing the division
16 ~~department~~ insignia of approval shall be in any way modified
17 except in compliance with this chapter. Labels may be issued
18 by the division ~~department~~ when applied for with an affidavit
19 certifying that the dealer or manufacturer applying will not
20 attach a label to any new mobile home that does not meet or
21 exceed the appropriate code. No mobile home may be
22 manufactured in this state unless it bears a label and
23 certification that the mobile home meets or exceeds the code.
24 The label for each mobile home shall be displayed in a manner
25 to be prescribed by the division ~~department~~.

26 Section 19. Effective January 1, 1999, section
27 320.8285, Florida Statutes, is transferred and renumbered as
28 section 553.442, Florida Statutes, and is amended to read:

29 553.442 ~~320.8285~~ Onsite inspection.--

30 (1) Each county or municipality in this state shall
31 prepare and adopt a plan providing for an onsite inspection of

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1 each mobile home located within such entity. The onsite
2 inspection shall ensure compliance with state and local
3 building codes, ordinances, and regulations regarding such
4 functions as blocking and leveling, tie-downs, utility
5 connections, conversions of appliances, and external
6 improvements on the mobile home. If a mobile home is
7 manufactured in conformity with the code, as established in s.
8 553.436 ~~320.823~~, a county may not require modification of the
9 mobile home in order to comply with local tie-down
10 regulations.

11 (2) When a county or municipality has not prepared and
12 adopted a plan providing for onsite inspection, the division
13 ~~department~~ shall prepare a minimum onsite inspection plan for
14 such county. The division ~~department~~ may adopt ~~promulgate~~
15 reasonable rules and regulations pursuant to chapter 120 in
16 preparing and enforcing such a minimum onsite inspection plan.

17 (3) Each county or municipality may designate the
18 persons who are to perform the onsite inspection. If a county
19 or municipality does not so designate, the division ~~department~~
20 shall designate the persons who are to perform the onsite
21 inspection. No person shall be designated to perform onsite
22 inspections unless such person is competent in the areas of
23 mobile home blocking and leveling, tie-downs, utility
24 connections, conversions of appliances, and external
25 improvements. Pursuant to the onsite inspection, each mobile
26 home shall be issued a certificate of occupancy if the mobile
27 home complies with state and local building codes, ordinances,
28 and regulations regarding such functions as blocking and
29 leveling, tie-downs, utility connections, conversion of
30 appliances, and external improvements to the mobile home.

31 (4) Fees for onsite inspections and certificates of

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1 occupancy of mobile homes shall be reasonable for the services
2 performed. A guideline for fee schedules shall be issued by
3 the division ~~department~~.

4 (5) The division ~~Department of Highway Safety and~~
5 ~~Motor Vehicles~~ shall enforce every provision of this section
6 and the regulations adopted pursuant hereto, except that local
7 land use and zoning requirements, fire zones, building setback
8 and side and rear yard requirements, site development and
9 property line requirements, subdivision control, and onsite
10 installation requirements, as well as review and regulation of
11 architectural and aesthetic requirements, are hereby
12 specifically and entirely reserved to local jurisdictions.
13 However, any architectural or aesthetic requirement imposed on
14 the mobile home structure itself may pertain only to roofing
15 and siding materials. Such local requirements and regulations
16 and others for manufactured homes must be reasonable,
17 uniformly applied, and enforced without distinctions as to
18 whether such housing is manufactured, located in a mobile home
19 park or a mobile home subdivision, or built in a conventional
20 manner. No local jurisdiction shall prohibit siting or
21 resiting of used mobile homes based solely on the date the
22 unit was manufactured.

23 (6) Park trailers are subject to inspection in the
24 same manner as are mobile homes pursuant to this section.

25 Section 20. Effective January 1, 1999, section
26 320.830, Florida Statutes, is transferred and renumbered as
27 section 553.443, Florida Statutes, and is amended to read:

28 553.443 ~~320.830~~ Reciprocity.--If any other state has
29 codes for mobile homes at least equal to those established by
30 this part ~~chapter~~, the division ~~department~~, upon determining
31 that such standards are being enforced by an independent

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1 inspection agency, shall place the other state on a
2 reciprocity list, which list shall be available to any
3 interested person. Any mobile home that bears a seal of any
4 state which has been placed on the reciprocity list may not be
5 required to bear the seal of this state. A mobile home that
6 does not bear the label herein provided shall not be permitted
7 to be manufactured or offered for sale by a manufacturer or
8 dealer anywhere within the geographical limits of this state
9 unless the mobile home is designated for delivery into another
10 state that has not adopted a code entitling the state to be
11 placed on the reciprocity list.

12 Section 21. Effective January 1, 1999, section
13 320.831, Florida Statutes, is transferred and renumbered as
14 section 553.444, Florida Statutes, and is amended to read:

15 553.444 ~~320.831~~ Penalties.--

16 (1) Whoever violates any provision of the National
17 Mobile Home Construction and Safety Standards Act of 1974, 42
18 U.S.C. ss. 5401 et seq., or any rules, regulations, or final
19 order issued thereunder shall be liable for a civil penalty
20 not to exceed \$1,000 for each such violation. Each violation
21 of a provision of the act or any rule, regulation, or order
22 issued thereunder shall constitute a separate violation with
23 respect to each mobile home or with respect to each failure or
24 refusal to allow or perform an act required thereby, except
25 that the maximum civil penalty may not exceed \$1 million for
26 any related series of violations occurring within 1 year from
27 the date of the first violation.

28 (2) Any individual, or a director, officer, or agent
29 of a corporation, who knowingly and willfully violates the
30 provisions of s. 610 of the National Mobile Home Construction
31 and Safety Standards Act of 1974 in a manner which threatens

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1 the health or safety of any purchaser is guilty of a
2 misdemeanor of the first degree, punishable as provided in s.
3 775.082 or s. 775.083.

4 (3) Any manufacturer, dealer, or inspector who
5 violates or fails to comply with any of the provisions of ss.
6 553.434-553.456 ~~320.822-320.862~~ or any of the rules adopted by
7 the department is guilty of a misdemeanor of the first degree,
8 punishable as provided in s. 775.082 or s. 775.083, provided
9 such violation is not also a violation of the National Mobile
10 Home Construction and Safety Standards Act of 1974 or any
11 rule, regulation, or final order issued thereunder.

12 Section 22. Effective January 1, 1999, section
13 320.8325, Florida Statutes, is transferred and renumbered as
14 section 553.445, Florida Statutes, and is amended to read:

15 553.445 ~~320.8325~~ Mobile homes and park trailers;
16 tie-down requirements; minimum installation standards;
17 injunctions; penalty.--

18 (1) The owner of a mobile home or park trailer shall
19 secure the mobile home or park trailer to the ground by the
20 use of anchors and tie-downs so as to resist wind overturning
21 and sliding. However, nothing herein shall be construed as
22 requiring that anchors and tie-downs be installed to secure
23 mobile homes or park trailers which are permanently attached
24 to a permanent structure. A permanent structure shall have a
25 foundation and such other structural elements as are required
26 pursuant to rules and regulations promulgated by the division
27 ~~department~~ which assure the rigidity and stability of the
28 mobile home or park trailer.

29 (a) A mobile home or park trailer manufactured in
30 accordance with the code standards and labeled "hurricane and
31 windstorm resistive" shall be anchored to each anchor point

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1 provided on the mobile home or park trailer. A mobile home or
2 park trailer which does not meet these standards must be
3 anchored with anchor points spaced as required by the division
4 ~~department~~ starting at each end of the mobile home or park
5 trailer.

6 (b) In addition, each mobile home or park trailer
7 shall be tied down by one of the following means:

8 1. A mobile home or park trailer having built-in,
9 over-the-roof ties shall be secured by the tie-down points,
10 provided such built-in ties and points meet the standards
11 adopted promulgated by the division department.

12 2. A mobile home or park trailer not having built-in,
13 over-the-roof ties and tie-down points which meet division
14 ~~department~~ standards shall be secured in accordance with
15 standards adopted promulgated by the division department.

16 (2) The division department shall adopt promulgate
17 ~~rules and regulations~~ setting forth minimum standards for the
18 manufacture and or installation of manufactured housing
19 installation systems, composed of anchors, buckles, straps,
20 stabilizer plates, and piers or other requirements mandated by
21 a manufacturer's installation manual anchors, tie-downs,
22 ~~over-the-roof ties, or other reliable methods of securing~~
23 ~~mobile homes or park trailers when over-the-roof ties are not~~
24 ~~suitable due to factors such as unreasonable cost, design of~~
25 ~~the mobile home or park trailer, or potential damage to the~~
26 ~~mobile home or park trailer. Such systems devices required~~
27 ~~under this section, when properly installed, shall insure a~~
28 manufactured home remains secured to the ground when subjected
29 to winds equal to or less than their HUD code design criteria
30 and shall cause the mobile home or park trailer to resist wind
31 overturning and sliding. In promulgating Such rules shall be

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1 ~~reasonably related to the and regulations, the department may~~
2 ~~make such discriminations regarding mobile home or park~~
3 ~~trailer tie-down requirements as are reasonable when factors~~
4 ~~such as age and windzone of the manufactured housing,~~
5 ~~location, and practicality of tying down a mobile home or park~~
6 ~~trailer are considered. The division shall also develop~~
7 ~~standards for installation and anchoring systems for park~~
8 ~~trailers. Fees and civil penalties collected by the division~~
9 ~~pursuant to s. 553.439 shall be deposited into the~~
10 ~~department's Operating Trust Fund for the use by the division~~
11 ~~for the testing of manufactured housing installation systems~~
12 ~~and their individual components to insure that such products~~
13 ~~being delivered to consumers in this state meet the wind~~
14 ~~design criteria adopted by the division.~~

15 (3)(a) Persons licensed in this state to engage in the
16 business of insuring mobile homes or park trailers that are
17 subject to the provisions of this section against damage from
18 windstorm shall issue such insurance only if the mobile home
19 or park trailer has been anchored and tied down in accordance
20 with the provisions of this section.

21 (b) In the event that a mobile home or park trailer is
22 insured against damage caused by windstorm and subsequently
23 sustains windstorm damage of a nature that indicates that the
24 mobile home or park trailer was not anchored or tied down in
25 the manner required by this section, the person issuing the
26 policy shall not be relieved from meeting the obligations
27 specified in the insurance policy with respect to such damage
28 on the basis that the mobile home or park trailer was not
29 properly anchored or tied down.

30 (4) Whenever a person who engages in the business of
31 installing anchors, tie-downs, or over-the-roof ties or who

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1 engages in the business of manufacturing, distributing, or
2 dealing in such devices for use in this state does so in a
3 manner that is not in accordance with the minimum standards
4 set forth by the division ~~department~~, a person aggrieved
5 thereby may bring an action in the appropriate court for
6 actual damages. In addition, the court may provide appropriate
7 equitable relief, including the enjoining of a violator from
8 engaging in the business or from engaging in further
9 violations. Whenever it is established to the satisfaction of
10 the court that a willful violation has occurred, the court
11 shall award punitive damages to the aggrieved party. The
12 losing party may be liable for court costs and reasonable
13 attorney's fees incurred by the prevailing party.

14 (5) In addition to other penalties provided in this
15 section, the division ~~department~~ or the state attorneys and
16 their assistants are authorized to apply to the circuit courts
17 within their respective jurisdictions, and such courts shall
18 have jurisdiction, upon hearing and for cause shown, to grant
19 temporary or permanent injunctions restraining any persons
20 engaging in the business of manufacturing, distributing, or
21 dealing in anchors, tie-downs, or over-the-roof ties from
22 manufacturing or selling such devices in a manner not in
23 accordance with the minimum standards set forth by the
24 division ~~department~~ or restraining any persons in the business
25 of installing anchors, tie-downs, or over-the-roof ties from
26 utilizing devices that do not meet the minimum standards set
27 forth by the division ~~department~~ or from installing such
28 devices in a manner not in accordance with the minimum
29 standards set forth by the division ~~department~~, whether or not
30 there exists an adequate remedy at law, and such injunctions
31 shall issue without bond.

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1 (6) This section only applies to a mobile home or park
2 trailer that is being used as a dwelling place and that is
3 located on a particular location for a period of time
4 exceeding 14 days, for a mobile home, or 45 days, for a park
5 trailer.

6 (7) For the purposes of this section, the definitions
7 set forth in s. 553.434 ~~320.822~~ apply.

8 Section 23. Effective January 1, 1999, section
9 553.446, Florida Statutes, is created to read:

10 553.446 Retention, destruction, and reproduction of
11 records.--Records and documents of the division, created in
12 compliance with and in the implementation of this part, shall
13 be retained by the division as specified in record retention
14 schedules established under the general provisions of chapter
15 119. Further, the division is hereby authorized:

16 (1) To destroy, or otherwise dispose of, those records
17 and documents, in conformity with the approved retention
18 schedules.

19 (2) To photograph, microphotograph, or reproduce on
20 film, as authorized and directed by the approved retention
21 schedules, whereby each page will be exposed in exact
22 conformity with the original records and documents retained in
23 compliance with the provisions of this section. Photographs
24 or microphotographs in the form of film or print of any
25 records, made in compliance with the provisions of this
26 section, shall have the same force and effect as the originals
27 thereof would have and shall be treated as originals for the
28 purpose of their admissibility in evidence. Duly certified or
29 authenticated reproductions of such photographs or
30 microphotographs shall be admitted in evidence equally with
31 the original photographs or microphotographs.

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1 Section 24. Effective January 1, 1999, section
2 320.8335, Florida Statutes, is transferred and renumbered as
3 section 553.447, Florida Statutes.

4 Section 25. Effective January 1, 1999, section
5 553.448, Florida Statutes, is created to read:

6 553.448 Purpose.--It is the intent of the Legislature
7 to ensure the safety and welfare of residents of mobile homes
8 through an inspection program conducted by the division.
9 Mobile homes are a primary housing resource of many of the
10 residents of the state and satisfy a large segment of
11 statewide housing needs. It is the further intent of the
12 Legislature that the division, mobile home dealers, and mobile
13 home manufacturers continue to work together to meet the
14 applicable code requirements for mobile homes and that such
15 dealers and manufacturers share the responsibilities of
16 warranting mobile homes in accordance with applicable codes
17 and resolving legitimate consumer complaints in a timely,
18 efficient manner.

19 Section 26. Effective January 1, 1999, section
20 553.449, Florida Statutes, is created to read:

21 553.449 Mobile home warranties.--Each manufacturer,
22 dealer, and supplier of mobile homes shall warrant each new
23 mobile home sold in this state and the setup of each such
24 mobile home, in accordance with the warranty requirements
25 prescribed by this section, for a period of at least 12
26 months, measured from the date of delivery of the mobile home
27 to the buyer. The warranty requirements of each manufacturer,
28 dealer, and supplier of mobile homes are as follows:

29 (1) The manufacturer warrants:

30 (a) For a mobile home, that all structural elements;
31 plumbing systems; heating, cooling, and fuel-burning systems;

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1 electrical systems; fire prevention systems; and any other
2 components or conditions included by the manufacturer are free
3 from substantial defect.

4 (b) That 100-ampere electrical service exists in the
5 mobile home.

6 (2) The dealer warrants:

7 (a) That any modifications or alterations made to the
8 mobile home by the dealer or authorized by the dealer shall be
9 free from substantial defect. Alterations or modifications
10 made by a dealer shall relieve the manufacturer of warranty
11 responsibility only as to the item altered or modified.

12 (b) That setup operations performed on the mobile home
13 are performed in compliance with s. 553.445.

14 (c) That substantial defects do not occur to the
15 mobile home during setup or by transporting it to the
16 occupancy site.

17
18 When the setup of a mobile home is performed by a person who
19 is not an employee or agent of the mobile home manufacturer or
20 dealer and is not compensated or authorized by, or connected
21 with, such manufacturer or dealer, then the warranty
22 responsibility of the manufacturer or dealer as to setup shall
23 be limited to transporting the mobile home to the occupancy
24 site free from substantial defect.

25 (3) The supplier warrants that any warranties
26 generally offered in the ordinary sale of his or her product
27 to consumers shall be extended to buyers of mobile homes.
28 When no warranty is extended by suppliers, the manufacturer
29 shall assume warranty responsibility for that component.

30 Section 27. Effective January 1, 1999, section
31 553.450, Florida Statutes, is created to read:

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1 553.450 Presenting warranty claim.--The claim in
2 writing, stating the substance of the warranty defect, may be
3 presented to the manufacturer, dealer, or supplier. When the
4 person notified is not the responsible party he or she shall
5 inform the claimant and shall notify the responsible party of
6 the warranty claim immediately.

7 Section 28. Effective January 1, 1999, section
8 553.451, Florida Statutes, is created to read:

9 553.451 Warranty service.--

10 (1) When a service agreement exists between
11 manufacturers, dealers, and suppliers to provide warranty
12 service, the agreement may specify which party is to remedy
13 warranty defects. However, when a warranty defect is not
14 properly remedied, the responsible party as determined
15 pursuant to s. 553.449 shall be responsible for providing
16 warranty service.

17 (2) When no service agreement exists for warranty
18 service, the responsible party as designated by s. 553.449 is
19 responsible for remedying the warranty defect.

20 (3) The defect shall be remedied within 30 days of
21 receipt of the written notification of the warranty claim
22 unless the claim is unreasonable or bona fide reasons exist
23 for not remedying the defect. When sufficient reasons exist
24 for not remedying the defect or the claim is unreasonable, the
25 responsible party shall respond to the claimant in writing
26 with its reasons for not promptly remedying the defect and
27 what further action is contemplated by the responsible party.

28 (4) When the person remedying the defect is not the
29 responsible party as designated by s. 553.449 he or she shall
30 be entitled to reasonable compensation paid to him or her by
31 the responsible party. Conduct which coerces or requires a

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1 nonresponsible party to perform warranty service is a
2 violation of this section.

3 (5) Warranty service shall be performed at the site at
4 which the mobile home is initially delivered to the buyer,
5 except for components which can be removed for service without
6 substantial expense or inconvenience to the buyer.

7 Section 29. Effective January 1, 1999, section
8 553.452, Florida Statutes, is created to read:

9 553.452 Civil action.--Notwithstanding the existence
10 of other remedies, a buyer may bring a civil suit for damages
11 against a responsible party who fails to satisfactorily
12 resolve a warranty claim. Damages shall be the actual costs
13 of remedying the defect. Court costs and reasonable attorney
14 fees may be awarded to the prevailing party. When the court
15 finds that failure to honor warranty claims is a consistent
16 pattern of conduct of the responsible party, or that the
17 defect is so severe as to significantly impair the safety of
18 the mobile home, it may assess punitive damages against the
19 responsible party.

20 Section 30. Effective January 1, 1999, section
21 553.453, Florida Statutes, is created to read:

22 553.453 Cumulative remedies.--The warranty provided
23 for in this act shall be in addition to, and not in derogation
24 of, any other rights and privileges which the buyer may have
25 under any other law or instrument. The manufacturer, dealer
26 or supplier shall not require the buyer to waive his or her
27 rights under this act or any other rights under law. Any such
28 waiver shall be deemed contrary to public policy and
29 unenforceable and void.

30 Section 31. Effective January 1, 1999, section
31 320.840, Florida Statutes, is transferred and renumbered as

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1 section 553.454, Florida Statutes.

2 Section 32. Effective January 1, 1999, section
3 553.455, Florida Statutes, is created to read:

4 553.455 Inspection of records; production of evidence;
5 subpoena power.--

6 (1) The division may inspect the pertinent books,
7 records, letters, and contracts of any licensee, whether
8 dealer or manufacturer, relating to any written complaint made
9 to it against such licensee.

10 (2) The division is granted and authorized to exercise
11 the power of subpoena for the attendance of witnesses and the
12 production of any documentary evidence necessary to the
13 disposition by it of any written complaint against any
14 licensee, whether dealer or manufacturer.

15 Section 33. Effective January 1, 1999, section
16 553.456, Florida Statutes, is created to read:

17 553.456 Revocation of license held by firms or
18 corporations.--If any applicant or licensee is a firm or
19 corporation, it shall be sufficient cause for the denial,
20 suspension, or revocation of a license that any officer,
21 director, or trustee of the firm or corporation, or any member
22 in case of a partnership, has been guilty of an act or
23 omission which would be cause for refusing, suspending, or
24 revoking a license to such party as an individual. Each
25 licensee shall be responsible for the acts of any of its
26 employees while acting as its agent if the licensee approved
27 of, or had knowledge of, the acts or other similar acts and,
28 after such approval or knowledge, retained the benefits,
29 proceeds, profits, or advantages accruing from, or otherwise
30 ratified, the acts.

31 Section 34. Effective January 1, 1999, section

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1 553.457, Florida Statutes, is created to read:

2 553.457 Maintenance of records by the division.--The
3 division shall maintain uniform records of all complaints
4 filed against licensees licensed under the provisions of ss.
5 553.432 and 553.435, any other provision of this part to the
6 contrary notwithstanding. The records shall contain all
7 enforcement actions taken against licensees and against
8 unlicensed persons acting in a capacity which would require
9 them to be licensed under those sections. The permanent file
10 of each licensee and unlicensed person shall contain a record
11 of any complaints filed against him or her and a record of any
12 enforcement actions taken against him or her. All complaints
13 and satisfactions thereof and enforcement actions on each
14 licensee and unlicensed person shall be entered into the
15 central database in such a manner that rapid retrieval will be
16 facilitated. The complainant and the referring agency, if
17 there is one, shall be advised of the disposition by the
18 division of the complaint within 10 days after such action.

19 Section 35. Effective January 1, 1999, section
20 553.458, Florida Statutes, is created to read:

21 553.458 Transactions by electronic or telephonic
22 means.--The division is authorized to accept any application
23 provided for under this chapter by electronic or telephonic
24 means.

25 Section 36. Effective January 1, 1999, paragraph (b)
26 of subsection (1) of section 161.55, Florida Statutes, is
27 amended to read:

28 161.55 Requirements for activities or construction
29 within the coastal building zone.--The following requirements
30 shall apply beginning March 1, 1986, to construction within
31 the coastal building zone and shall be minimum standards for

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1 construction in this area:

2 (1) STRUCTURAL REQUIREMENTS; MAJOR STRUCTURES.--

3 (b) Mobile homes shall conform to the Federal Mobile
4 Home Construction and Safety Standards or the Uniform
5 Standards Code ANSI book A-119.1, pursuant to s. 553.436
6 ~~320.823~~, and to the requirements of paragraph (c).

7 Section 37. Effective January 1, 1999, subsection (2)
8 of section 319.001, Florida Statutes, is amended to read:

9 319.001 Definitions.--As used in this chapter, the
10 term:

11 (2) "Licensed dealer," unless otherwise specifically
12 provided, means a motor vehicle dealer licensed under s.
13 320.27, a mobile home dealer licensed under s. 553.432 ~~320.77~~,
14 or a recreational vehicle dealer licensed under s. 320.771.

15 Section 38. Effective January 1, 1999, paragraph (d)
16 of subsection (1) of section 320.131, Florida Statutes, is
17 amended to read:

18 320.131 Temporary tags.--

19 (1) The department is authorized and empowered to
20 design, issue, and regulate the use of temporary tags to be
21 designated "temporary tags" for use in the following cases:

22 (d) For banks, credit unions, and other financial
23 institutions which are not required to be licensed under the
24 provisions of s. 320.27, s. 553.432 ~~320.77~~, or s. 320.771, but
25 need temporary tags for the purpose of demonstrating
26 repossessions for sale.

27
28 Further, the department is authorized to disallow the purchase
29 of temporary tags by licensed dealers, common carriers, or
30 financial institutions in those cases where abuse has
31 occurred.

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1 Section 39. Effective January 1, 1999, subsection (9)
2 of section 320.27, Florida Statutes, is amended to read:

3 320.27 Motor vehicle dealers.--

4 (9) DENIAL, SUSPENSION, OR REVOCATION.--The department
5 may deny, suspend, or revoke any license issued hereunder or
6 under the provisions of ~~s. 320.77~~ or s. 320.771, upon proof
7 that a licensee has failed to comply with any of the following
8 provisions with sufficient frequency so as to establish a
9 pattern of wrongdoing on the part of the licensee:

10 (a) Willful violation of any other law of this state,
11 including chapter 319, this chapter, or ss. 559.901-559.9221,
12 which has to do with dealing in or repairing motor vehicles or
13 mobile homes or willful failure to comply with any
14 administrative rule promulgated by the department.

15 (b) Commission of fraud or willful misrepresentation
16 in application for or in obtaining a license.

17 (c) Perpetration of a fraud upon any person as a
18 result of dealing in motor vehicles, including, without
19 limitation, the misrepresentation to any person by the
20 licensee of the licensee's relationship to any manufacturer,
21 importer, or distributor.

22 (d) Representation that a demonstrator is a new motor
23 vehicle, or the attempt to sell or the sale of a demonstrator
24 as a new motor vehicle without written notice to the purchaser
25 that the vehicle is a demonstrator. For the purposes of this
26 section, a "demonstrator," a "new motor vehicle," and a "used
27 motor vehicle" shall be defined as under s. 320.60.

28 (e) Unjustifiable refusal to comply with a licensee's
29 responsibility under the terms of the new motor vehicle
30 warranty issued by its respective manufacturer, distributor,
31 or importer. However, if such refusal is at the direction of

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1 the manufacturer, distributor, or importer, such refusal shall
2 not be a ground under this section.

3 (f) Misrepresentation or false, deceptive, or
4 misleading statements with regard to the sale or financing of
5 motor vehicles which any motor vehicle dealer has, or causes
6 to have, advertised, printed, displayed, published,
7 distributed, broadcast, televised, or made in any manner with
8 regard to the sale or financing of motor vehicles.

9 (g) Requirement by any motor vehicle dealer that a
10 customer or purchaser accept equipment on his or her motor
11 vehicle which was not ordered by the customer or purchaser.

12 (h) Requirement by any motor vehicle dealer that any
13 customer or purchaser finance a motor vehicle with a specific
14 financial institution or company.

15 (i) Failure by any motor vehicle dealer to provide a
16 customer or purchaser with an odometer disclosure statement
17 and a copy of any bona fide written, executed sales contract
18 or agreement of purchase connected with the purchase of the
19 motor vehicle purchased by the customer or purchaser.

20 (j) Failure of any motor vehicle dealer to comply with
21 the terms of any bona fide written, executed agreement,
22 pursuant to the sale of a motor vehicle.

23 (k) Requirement by the motor vehicle dealer that the
24 purchaser of a motor vehicle contract with the dealer for
25 physical damage insurance.

26 (l) Violation of any of the provisions of s. 319.35 by
27 any motor vehicle dealer.

28 (m) Either a history of bad credit or an unfavorable
29 credit rating as revealed by the applicant's official credit
30 report or by investigation by the department.

31 (n) Failure to disclose damage to a new motor vehicle

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1 as defined in s. 320.60(10) of which the dealer had actual
2 knowledge if the dealer's actual cost of repair, excluding
3 tires, bumpers, and glass, exceeds 3 percent of the
4 manufacturer's suggested retail price; provided, however, if
5 only the application of exterior paint is involved, disclosure
6 shall be made if such touch-up paint application exceeds \$100.

7 (o) Failure to apply for transfer of a title as
8 prescribed in s. 319.23(6).

9 (p) Use of the dealer license identification number by
10 any person other than the licensed dealer or his or her
11 designee.

12 (q) Conviction of a felony.

13 (r) Failure to continually meet the requirements of
14 the licensure law.

15 (s) When a motor vehicle dealer is convicted of a
16 crime which results in his or her being prohibited from
17 continuing in that capacity, the dealer may not continue in
18 any capacity within the industry. The offender shall have no
19 financial interest, management, sales, or other role in the
20 operation of a dealership. Further, the offender may not
21 derive income from the dealership beyond reasonable
22 compensation for the sale of his or her ownership interest in
23 the business.

24 (t) Representation to a customer or any advertisement
25 to the general public representing or suggesting that a motor
26 vehicle is a new motor vehicle if such vehicle lawfully cannot
27 be titled in the name of the customer or other member of the
28 general public by the seller using a manufacturer's statement
29 of origin as permitted in s. 319.23(1).

30 (u) Failure to honor a bank draft or check given to a
31 motor vehicle dealer for the purchase of a motor vehicle by

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1 another motor vehicle dealer within 10 days after notification
2 that the bank draft or check has been dishonored. A single
3 violation of this paragraph is sufficient for revocation or
4 suspension. If the transaction is disputed, the maker of the
5 bank draft or check shall post a bond in accordance with the
6 provisions of s. 559.917, and no proceeding for revocation or
7 suspension shall be commenced until the dispute is resolved.

8 Section 40. Effective January 1, 1999, section 320.28,
9 Florida Statutes, is amended to read:

10 320.28 Nonresident dealers in secondhand motor
11 vehicles or,recreational vehicles,~~or mobile homes~~.--Every
12 dealer in used or secondhand motor vehicles or,recreational
13 vehicles,~~or mobile homes~~ who is a nonresident of the state,
14 does not have a permanent place of business in this state, and
15 has not qualified as a dealer under the provisions of ss.
16 320.27,~~320.77~~,and 320.771, and any person other than a
17 dealer qualified under the provisions of said ss. 320.27,
18 ~~320.77~~,and 320.771, who brings any used or secondhand motor
19 vehicle or,recreational vehicle,~~or mobile home~~ into the
20 state for the purpose of sale, except to a dealer licensed
21 under the provisions of ss. 320.27,~~320.77~~,and 320.771,
22 shall, at least 10 days prior to the sale of said vehicle, the
23 offering of said vehicle for sale, or the advertising of said
24 vehicle for sale, make and file with the department the
25 official application for a certificate of title for said
26 vehicle as provided by law. Any person who has had one or
27 more transactions involving the sale of three or more used or
28 secondhand motor vehicles or,recreational vehicles,~~or mobile~~
29 ~~homes~~ in Florida during any 12-month period shall be deemed to
30 be a secondhand dealer in motor vehicles or,recreational
31 vehicles,~~or mobile homes~~.

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1 Section 41. Effective January 1, 1999, subsection (1)
2 of section 320.71, Florida Statutes, is amended to read:

3 320.71 Nonresident motor vehicle, ~~mobile home,~~ or
4 recreational vehicle dealer's license.--

5 (1) Any person who is a nonresident of the state, who
6 does not have a dealer's contract from the manufacturer or
7 manufacturer's distributor of motor vehicles, ~~mobile homes,~~ or
8 recreational vehicles authorizing the sale thereof in definite
9 Florida territory, and who sells or engages in the business of
10 selling said vehicles at retail within the state shall
11 register with the Department of Revenue for a sales tax dealer
12 registration number and comply with chapter 212, and pay a
13 license tax of \$2,000 per annum in each county where such
14 sales are made; \$1,250 of said tax shall be transmitted to the
15 Department of Banking and Finance to be deposited in the
16 General Revenue Fund of the state, and \$750 thereof shall be
17 returned to the county. The license tax shall cover the
18 period from January 1 to the following December 31, and no
19 such license shall be issued for any fractional part of a
20 year.

21 Section 42. Effective January 1, 1999, section
22 320.822, Florida Statutes, is amended to read:

23 320.822 Definitions.--In construing ss.
24 320.822-320.862, unless the context otherwise requires, the
25 following words or phrases have the following meanings:

26 (1) "Buyer" means a person who purchases at retail
27 from a dealer or manufacturer a ~~mobile home~~ or recreational
28 vehicle for his or her own use as a residence, or other
29 related use.

30 (2) "Code" means the appropriate standards found in+

31 ~~(a) The Federal Manufactured Housing Construction and~~

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1 ~~Safety Standards for single-family mobile homes, promulgated~~
2 ~~by the Department of Housing and Urban Development;~~

3 ~~(b) the Uniform Standards Code approved by the~~
4 ~~American National Standards Institute, ANSI A-119.2 for~~
5 ~~recreational vehicles and ANSI A-119.5 for park trailers or~~
6 ~~the United States Department of Housing and Urban Development~~
7 ~~standard for park trailers certified as meeting that standard;~~
8 ~~or~~

9 ~~(c) The Mobile Home Repair and Remodeling Code and the~~
10 ~~Used Recreational Vehicle Code.~~

11 (3) "Construction" means the minimum requirements for
12 materials, products, equipment, and workmanship needed to
13 assure that the ~~mobile home or~~ recreational vehicle will
14 provide structural strength and rigidity; protection against
15 corrosion, decay, and other similar destructive forces;
16 resistance to the elements; and durability and economy of
17 maintenance.

18 (4) "Institute" means the American National ~~United~~
19 ~~States of America~~ Standards Institute.

20 (5) "Length," for purposes of transportation only,
21 means the distance from the extreme front of the ~~mobile home~~
22 ~~or~~ recreational vehicle, to the extreme rear, including the
23 drawbar and coupling mechanism, but not including expandable
24 features that do not project from the body during
25 transportation.

26 ~~(6) "Length of a mobile home" means the distance from~~
27 ~~the exterior of the front wall (nearest to the drawbar and~~
28 ~~coupling mechanism) to the exterior of the rear wall (at the~~
29 ~~opposite end of the home) where such walls enclose living or~~
30 ~~other interior space and such distance includes expandable~~
31 ~~rooms but not bay windows, porches, drawbars, couplings,~~

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1 ~~hitches, wall and roof extensions, or other attachments.~~

2 ~~(6)(7)~~ "Licensee" means any person licensed or
3 required to be licensed under s. 320.8225.

4 ~~(8)~~ "Mobile home dealer" means any person engaged in
5 the business of buying, selling, or dealing in mobile homes or
6 offering or displaying mobile homes for sale. Any person who
7 buys, sells, or deals in one or more mobile homes in any
8 12-month period or who offers or displays for sale one or more
9 mobile homes in any 12-month period shall be prima facie
10 presumed to be engaged in the business of a mobile home
11 dealer. The terms "selling" and "sale" include lease-purchase
12 transactions. The term "mobile home dealer" does not include
13 a bank, credit union, or finance company that acquires mobile
14 homes as an incident to its regular business, does not include
15 a mobile home rental or leasing company that sells mobile
16 homes to mobile home dealers licensed under s. 320.77, and
17 does not include persons who are selling their own mobile
18 homes.

19 ~~(7)(9)~~ "Recreational vehicle dealer" means any person
20 engaged in the business of buying, selling, or dealing in
21 recreational vehicles or offering or displaying recreational
22 vehicles for sale. The term "dealer" includes a recreational
23 vehicle broker. Any person who buys, sells, deals in, or
24 offers or displays for sale, or who acts as the agent for the
25 sale of, one or more recreational vehicles in any 12-month
26 period shall be prima facie presumed to be a dealer. The
27 terms "selling" and "sale" include lease-purchase
28 transactions. The term "dealer" does not include banks,
29 credit unions, and finance companies that acquire recreational
30 vehicles as an incident to their regular business and does not
31 include mobile home rental and leasing companies that sell

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1 recreational vehicles to dealers licensed under s. 320.771.

2 ~~(10) "Mobile home manufacturer" means any person,~~
 3 ~~resident or nonresident, who, as a trade or commerce,~~
 4 ~~manufactures or assembles mobile homes.~~

5 (8)~~(11)~~ "Recreational vehicle manufacturer" means any
 6 person, resident or nonresident, who, as a trade or commerce,
 7 manufactures or assembles recreational vehicles or van-type
 8 vehicles in such manner that they then qualify as recreational
 9 vehicles, for sale in this state.

10 (9)~~(12)~~ "Responsible party" means a manufacturer,
 11 dealer, or supplier.

12 (10)~~(13)~~ "Seal" or "label" means a device issued by
 13 the department certifying that a ~~mobile home or~~ recreational
 14 vehicle meets the appropriate code, which device is to be
 15 displayed on the exterior of the ~~mobile home or~~ recreational
 16 vehicle.

17 ~~(14) "Setup" means the operations performed at the~~
 18 ~~occupancy site which render a mobile home or park trailer fit~~
 19 ~~for habitation. Such operations include, but are not limited~~
 20 ~~to, transporting, positioning, blocking, leveling, supporting,~~
 21 ~~tying down, connecting utility systems, making minor~~
 22 ~~adjustments, or assembling multiple or expandable units.~~

23 (11)~~(15)~~ "Substantial defect" means:

24 (a) Any substantial deficiency or defect in materials
 25 or workmanship occurring to a ~~mobile home or~~ recreational
 26 vehicle which has been reasonably maintained and cared for in
 27 normal use.

28 (b) Any structural element, utility system, or
 29 component of the ~~mobile home or~~ recreational vehicle, which
 30 fails to comply with the code.

31 (12)~~(16)~~ "Supplier" means the original producer of

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1 completed components, including refrigerators, stoves, hot
2 water heaters, dishwashers, cabinets, air conditioners,
3 heating units, and similar components, which are furnished to
4 a manufacturer or dealer for installation in the ~~mobile home~~
5 ~~or recreational vehicle~~ prior to sale to a buyer.

6 ~~(17) "Width of a mobile home" means the distance from~~
7 ~~the exterior of one side wall to the exterior of the opposite~~
8 ~~side wall where such walls enclose living or other interior~~
9 ~~space and such distance includes expandable rooms but not bay~~
10 ~~windows, porches, wall and roof extensions, or other~~
11 ~~attachments.~~

12 ~~(13)(18) "Body size" of a park trailer, travel~~
13 ~~trailer, or fifth-wheel trailer means the distance from the~~
14 ~~exterior side or end to the opposite exterior side or end of~~
15 ~~the body. Such distance includes expandable rooms, bay~~
16 ~~windows, wall and roof extensions, or other extrusions in the~~
17 ~~travel mode. The following exceptions apply:~~

18 (a) Travel trailers shall not exceed 320 square feet.
19 All square footage measurements are of the exterior when in
20 setup mode, including bay windows.

21 ~~(b) Park trailers constructed to ANSI A-119.5 shall~~
22 ~~not exceed 400 square feet. Park trailers constructed to the~~
23 ~~United States Department of Housing and Urban Development~~
24 ~~standard shall not exceed 500 square feet. All square footage~~
25 ~~measurements are of the exterior when in setup mode and do not~~
26 ~~include bay windows.~~

27 ~~(b)(c) Fifth-wheel trailers may not exceed 400 square~~
28 ~~feet. All square footage measurements are of the exterior when~~
29 ~~in setup mode, including bay windows.~~

30 Section 43. Effective January 1, 1999, section
31 320.8225, Florida Statutes, is amended to read:

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1 320.8225 ~~Mobile home and~~ Recreational vehicle
2 manufacturer's license.--

3 (1) LICENSE REQUIRED.--Any person who engages in the
4 business of a ~~mobile home or~~ recreational vehicle manufacturer
5 in this state, or who manufactures ~~mobile homes or~~
6 recreational vehicles out of state which are ultimately
7 offered for sale in this state, shall obtain annually a
8 license for each factory location in this state and for each
9 factory location out of state which manufactures ~~mobile homes~~
10 ~~or~~ recreational vehicles for sale in this state, prior to
11 distributing ~~mobile homes or~~ recreational vehicles for sale in
12 this state.

13 (2) APPLICATION.--The application for a license shall
14 be in the form prescribed by the department and shall contain
15 sufficient information to disclose the identity, location, and
16 responsibility of the applicant. The application shall also
17 include a copy of the warranty and a complete statement of any
18 service agreement or policy to be utilized by the applicant,
19 any information relating to the applicant's solvency and
20 financial standing, and any other pertinent matter
21 commensurate with safeguarding the public. The department may
22 prescribe an abbreviated application for renewal of a license
23 if the licensee had previously filed an initial application
24 pursuant to this section. The application for renewal shall
25 include any information necessary to bring current the
26 information required in the initial application.

27 (3) FEES.--Upon making initial application, the
28 applicant shall pay to the department a fee of \$300. Upon
29 making renewal application, the applicant shall pay to the
30 department a fee of \$100. Any applicant for renewal who has
31 failed to submit his or her renewal application by October 1

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1 shall pay a renewal application fee equal to the original
2 application fee. No fee is refundable. All fees shall be
3 deposited into the General Revenue Fund.

4 (4) NONRESIDENT.--Any person applying for a license
5 who is not a resident of this state shall have designated an
6 agent for service of process pursuant to s. 48.181.

7 (5) REQUIREMENT OF ASSURANCE.--

8 ~~(a) Annually, prior to the receipt of a license to
9 manufacture mobile homes, the applicant or licensee shall
10 submit a surety bond, cash bond, or letter of credit from a
11 financial institution, or a proper continuation certificate,
12 sufficient to assure satisfaction of claims against the
13 licensee for failure to comply with appropriate code
14 standards, failure to provide warranty service, or violation
15 of any provisions of this section. The amount of the surety
16 bond, cash bond, or letter of credit shall be \$50,000. Only
17 one surety bond, cash bond, or letter of credit shall be
18 required for each manufacturer, regardless of the number of
19 factory locations. The surety bond, cash bond, or letter of
20 credit shall be to the department, in favor of any retail
21 customer who shall suffer loss arising out of noncompliance
22 with code standards or failure to honor or provide warranty
23 service. The department shall have the right to disapprove any
24 bond or letter of credit that does not provide assurance as
25 provided in this section.~~

26 (a)~~(b)~~ Annually, prior to the receipt of a license to
27 manufacture recreational vehicles, the applicant or licensee
28 shall submit a surety bond, or a proper continuation
29 certificate, sufficient to assure satisfaction of claims
30 against the licensee for failure to comply with appropriate
31 code standards, failure to provide warranty service, or

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1 violation of any provisions of this section. The amount of
2 the surety bond shall be \$10,000 per year. The surety bond
3 shall be to the department, in favor of any retail customer
4 who shall suffer loss arising out of noncompliance with code
5 standards or failure to honor or provide warranty service. The
6 department shall have the right to disapprove any bond which
7 does not provide assurance as provided in this section.

8 (b)~~(c)~~ The department shall adopt rules pursuant to
9 chapter 120 consistent with this section in providing
10 assurance of satisfaction of claims.

11 (c)~~(d)~~ The department shall, upon denial, suspension,
12 or revocation of any license, notify the surety company of the
13 licensee, in writing, that the license has been denied,
14 suspended, or revoked and shall state the reason for such
15 denial, suspension, or revocation.

16 (d)~~(e)~~ Any surety company which pays any claim against
17 the bond of any licensee shall notify the department, in
18 writing, that it has paid such a claim and shall state the
19 amount of the claim.

20 (e)~~(f)~~ Any surety company which cancels the bond of
21 any licensee shall notify the department, in writing, of such
22 cancellation, giving reason for the cancellation.

23 (6) LICENSE YEAR.--A license issued to a ~~mobile home~~
24 ~~or~~ recreational vehicle manufacturer entitles the licensee to
25 conduct the business of a ~~mobile home or~~ recreational vehicle
26 manufacturer for a period of 1 year from October 1 preceding
27 the date of issuance.

28 (7) DENIAL OF LICENSE.--The department may deny a
29 ~~mobile home or~~ recreational vehicle manufacturer's license on
30 the ground that:

31 (a) The applicant has made a material misstatement in

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1 his or her application for a license.

2 (b) The applicant has failed to comply with any
3 applicable provision of this chapter.

4 (c) The applicant has failed to provide warranty
5 service.

6 (d) The applicant or one or more of his or her
7 principals or agents has violated any law, rule, or regulation
8 relating to the manufacture or sale of ~~mobile homes or~~
9 recreational vehicles.

10 (e) The department has proof of unfitness of the
11 applicant.

12 (f) The applicant or licensee has engaged in previous
13 conduct in any state which would have been a ground for
14 revocation or suspension of a license in this state.

15 (g) The applicant or licensee has violated any of the
16 provisions of the code relating to recreational vehicles ~~of~~
17 ~~the National Mobile Home Construction and Safety Standards Act~~
18 ~~of 1974 or any rule or regulation of the Department of Housing~~
19 ~~and Urban Development promulgated thereunder.~~

20
21 Upon denial of a license, the department shall notify the
22 applicant within 10 days, stating in writing its grounds for
23 denial. The applicant is entitled to a public hearing and may
24 request that such hearing be held within 45 days of denial of
25 the license. All proceedings shall be pursuant to chapter
26 120.

27 (8) REVOCATION OR SUSPENSION OF LICENSE.--The
28 department shall suspend or, in the case of a subsequent
29 offense, shall revoke any license upon a finding that the
30 licensee violated any provision of this chapter or any other
31 law of this state regarding the manufacture, warranty, or sale

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1 of mobile homes or recreational vehicles. When any license
2 has been revoked or suspended by the department, it may be
3 reinstated if the department finds that the former licensee
4 has complied with all applicable requirements of this chapter
5 and an application for a license is refiled pursuant to this
6 section.

7 (9) CIVIL PENALTIES; PROCEDURE.--In addition to the
8 exercise of other powers provided in this section, the
9 department is authorized to assess, impose, levy, and collect
10 by legal process a civil penalty, in an amount not to exceed
11 \$1,000 for each violation, against any licensee if it finds
12 that a licensee has violated any provision of this section or
13 has violated any other law of this state having to do with
14 dealing in motor vehicles. Any licensee shall be entitled to
15 a hearing pursuant to chapter 120 should the licensee wish to
16 contest the fine levied, or about to be levied, upon him or
17 her.

18 Section 44. Except as otherwise expressly provided in
19 this act, this act shall take effect upon becoming a law.

20

21 (Redesignate subsequent sections.)

22

23

24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 On page 2, line 23, delete that line

27

28 and insert:

29 providing for transfer of a portion of the
30 Mobile Home and Recreational Vehicle Protection
31 Trust Fund into the Department of Community

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1 Affair's operating trust fund for certain
2 purposes; transferring a portion of the Highway
3 Safety Operating Trust Fund into the
4 department's operating trust fund for certain
5 purposes; amending s. 320.781, F.S., to
6 conform; amending s. 553.36, F.S.; providing a
7 definition; amending s. 553.38, F.S.; providing
8 responsibility of the Division of Factory-built
9 Housing to administer part IV of chapter 553,
10 F.S.; creating s. 553.431, F.S.; providing for
11 registration by a nonresident mobile home
12 dealer; providing for payment of a license tax;
13 providing for appointment of agent for service
14 of process; creating s. 553.4315, F.S.;
15 requiring application for certificate of title
16 of secondhand mobile home; transferring,
17 renumbering, and amending s. 320.77, F.S., to
18 conform; creating s. 553.433, F.S.; providing
19 for a fee; providing for use of fee to pay
20 judgments entered against mobile home dealer or
21 broker or to pay claim in case stayed or
22 discharged due to bankruptcy; providing process
23 for making claim; creating s. 553.434, F.S.;
24 providing definitions; creating s. 553.435,
25 F.S.; providing requirements for mobile home
26 manufacturer's license; creating a fee;
27 providing for suspension or revocation of
28 license; providing penalties; transferring and
29 renumbering s. 320.823, F.S., to conform;
30 creating s. 553.4365, F.S.; establishing
31 standards for park trailers; creating s.

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1 553.437, F.S.; providing rules and inspection
2 authority; creating s. 553.438, F.S.; limiting
3 modifications which may be made by a mobile
4 home dealer; providing for effect of
5 modifications on warranty; providing rules
6 authority; transferring, renumbering, and
7 amending s. 320.8249, F.S. to conform; limiting
8 certain local government's ability to charge
9 certain permit fees relating to mobile home
10 parks; transferring, renumbering, and amending
11 s. 320.8255, F.S. to conform; transferring,
12 renumbering, and amending s. 320.827, F.S. to
13 conform; transferring, renumbering, and
14 amending s. 320.8285, F.S. to conform;
15 transferring, renumbering, and amending s.
16 320.830, F.S. to conform; transferring,
17 renumbering, and amending s. 320.831, F.S. to
18 conform; transferring, renumbering, and
19 amending s. 320.8325, F.S. to conform;
20 providing rules authority; creating s. 553.446,
21 F.S.; providing for retention, reproduction,
22 and destruction of divisions records;
23 transferring and renumbering s. 320.8335, F.S.;
24 creating s. 553.448, F.S.; providing a
25 statement of legislative purpose; creating s.
26 553.449, F.S.; providing requirements for
27 mobile home warranties; creating s. 553.450,
28 F.S.; providing for claim against warranty;
29 creating s. 553.451, F.S.; providing for
30 service under warranty claim; creating s.
31 553.452, F.S.; providing for civil action for

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1 damages for failure to resolve warranty claim;
2 creating s. 553.453, F.S.; providing that
3 warranty is in addition to all existing rights;
4 transferring and renumbering s. 320.840, F.S.;
5 creating s. 553.455, F.S.; providing for
6 division inspection of records of licensees;
7 creating s. 553.456, F.S.; providing for
8 revocation of license; creating s. 553.457,
9 F.S.; providing for maintenance of records by
10 division; creating s. 553.458, F.S.; providing
11 for electronic application; amending s. 161.55,
12 F.S.; conforming a cross-reference; amending s.
13 319.001, F.S.; conforming a cross-reference;
14 amending s. 320.131, F.S.; conforming a
15 cross-reference; amending s. 320.27, F.S.;
16 deleting a cross-reference; amending s. 320.28,
17 F.S. to conform; amending s. 320.71, F.S. to
18 conform; amending s. 320.822, F.S. to conform;
19 amending s. 320.8225, F.S.; to conform;
20 providing multiple effective dates.

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